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INTERVIEW WITH
MILTON MARKS

Vol. 2

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Oral History Interview
with

MILTON MARKS

California State Assembly 1958-1966
California State Senate 1967-1996

January 23, 1996, January 24, 1996,
January 25, 1996, February 27, 1996,
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By Donald B. Seney
California State Archives

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MARKS: Right.

SENEY: Oh. Well, I know at this point that he thought you'd tried to pull a fast one apparently when you got up and asked permission to have this heard earlier.

MARKS: It's a normal thing to do. You get up on the floor of the Senate and you ask to do it.

SENEY: Right. Well, he made a comment, according to -- you were quoted in the press saying, "Well, they were going to be watching you, whoever they were."¹ Who did you understand that to be, when he said that to you?

MARKS: The John Birch society or people like that.

SENEY: The right wing and whatnot. People who could only have done you good in your district, right?

MARKS: Right.

SENEY: Mr. Richardson is still around, is he not?

MARKS: He stays around. He's not in the Senate anymore.

[Begin Tape 7, Side B]

SENEY: Go ahead, Senator. What we did miss was we were saying that H. L. Richardson is still around with a gun PAC [Political Action

¹ San Francisco Examiner June 23, 1973 p.1.

Committee], something of that kind.

MARKS: Right.

SENEY: Let me ask you, in the aftermath of the 1972 election, the Senate was split 19 to 19 at this point and there were two empty seats and one of them was subsequently filled by [Senator] Alan Robbins [a Democrat] out of the San Fernando Valley and John Stull [a Republican] won the other seat. So it maintained the 20/20 split. And Jim Mills is president pro tem at this point. Of course, as long as it's evenly split, he stays in office. Right?

MARKS: Right.

SENEY: Nobody can get him.

MARKS: Right.

SENEY: Do you remember that period when he didn't really have a majority and how the Senate worked and what his problems were as leader during that point?

MARKS: I think it was close. It was very close. It was very, very indecisive.

SENEY: You know, you were talking about how the Rules Committee was selected. The Democrats maintained control over the Rules Committee because even though they no longer had a majority, they still had the Rules Committee majority because you couldn't change anything with this 19 to 19 vote. Did the Senate still function?

MARKS: It did. I'm trying to recall -- the votes were very close on many issues.

Sometimes it'd get 21 votes.

SENEY: So it must have been difficult to conduct business.

MARKS: It was difficult.

SENEY: To pass anything that was controversial at all during this period. The Republicans had hoped, of course, that they were going to end up with both the district that Robbins won--

MARKS: I supported Robbins. I shouldn't have, but I did.

SENEY: Well, you didn't know, of course.

MARKS: [At this point, Senator Marks deleted one sentence.]

SENEY: Well, you can edit it out. But he was! He was a convicted felon and I think that's a fair thing for you to say. There's nothing libelous or scurrilous about what you've said. I mean, he's proven himself.

MARKS: I supported him when, there was a big battle. The Republicans tried to throw him out. I supported him.

SENEY: Well, there'd been some question about whether or not he lived in his district long enough, wasn't there?

MARKS: I know, but I supported him.

SENEY: And you voted with him on that question.

MARKS: Right.

SENEY: If you don't mind, maybe later on we can talk about some of the problems that some members of the Senate have had, including Mr. Robbins and

Mr. [Senator Paul B.] Carpenter and Mr. [Senator Joseph B.] Montoya.

MARKS: We're in Mr. Carpenter's office.

SENEY: Oh, is this Mr. Carpenter's office?

MARKS: Right.

SENEY: Ah. Maybe later we'll talk about that, when it's more in sequence, but I hope you'll be willing to talk about that.

MARKS: Sure.

SENEY: Because all of these have been adjudicated.

MARKS: I'll be glad to talk.

SENEY: Okay, great. When the time comes we'll do that.

One of the things I wanted to ask you about was that you, along with John Harmer and -- Mervyn Dymally and [Senator] John [L.] Harmer were the co-chairs of an ad hoc committee on Indian affairs. You were a member of that committee. George Moscone was a member of that committee. And the one reference to it that I found in your files had to do with the proposed Governor's Mansion that was built out on the American River, that 11-acre site. Do you remember that that was a Maidu village site and a burial ground site?

MARKS: Yes, there was a very big battle.

SENEY: Talk a little bit about that, would you?

MARKS: Well, the Indians raised an issue that a lot of treasures of Indian people

were still there, were buried there. I don't recall about the mansion. I don't think the mansion passed.

SENEY: Was that where it was built? There's one built out there on the American River, but I'm not sure it was built on that site.

MARKS: I'm really not sure.

SENEY: When there's an ad hoc committee like this, do you kind of volunteer for service on this?

MARKS: No, I think I probably got appointed.

SENEY: But it would be something you were interested in?

MARKS: Yeah, I was.

SENEY: In terms of protecting Indian culture and so forth.

MARKS: Right, I was.

SENEY: Do you have any memories of what else that committee did?

MARKS: I really don't.

SENEY: It may have been almost solely for this purpose, of course. That sometimes happens, doesn't it, that an ad hoc committee will have a pretty narrow focus, as it turns out.

MARKS: It does.

SENEY: Let me ask you about some legislation from your early -- and forgive me for skipping around a little bit, but it's hard to do this all in one line. So I want to ask you about some of the legislation really from 1959 up until

this period if I can.

MARKS: Oh my. Long time.

SENEY: Your staff, as I said to you, has been absolutely wonderful and really helpful. So they provided me with the summary of legislation here that you supported. You were down as a co-sponsor of AB 500¹ in the 1959 session. This was Unruh's very important legislation, credit legislation. The credit selling of tangible property and so forth.

MARKS: The Unruh Act.

SENEY: The Unruh Act, right, that regulated credit sales. I think that was maybe one of the most important acts in '59.

MARKS: It was. I supported it. I supported a lot of Unruh's bills.

SENEY: Well, that shows in here, that you were co-sponsor of a great deal of legislation that Unruh was the primary author on.

MARKS: I liked Unruh, I told you before.

SENEY: Right, right. How would that work? Obviously, Unruh would approach you to co-sponsor with him?

MARKS: They would bring around a bill and asked me to sign it, which I would do.

SENEY: Would his tactic be to get as many co-sponsors as he could.

MARKS: Yes, he would. He'd get as many people as he could get.

SENEY: Was it pretty hard to say no to Jesse even in 1959?

¹ A.B. 500 1959 Reg. Sess., Cal. Stats., Ch. 201.

MARKS: It was; sure.

SENEY: Because he would remember that, wouldn't he?

MARKS: He remembered everything.

SENEY: And as important as it is to reward people who help you, you've got to be willing to punish them when they don't, right?

MARKS: That's true.

SENEY: And people knew that he would do both, right?

MARKS: Right.

SENEY: That he would remember these things. You know, you talked before about your relationship with Speaker Brown and the open meeting laws and how you had gone to him and told him you were interested in the open meeting laws.

MARKS: I prepared all the amendments.

SENEY: Yeah, and give him a hand on this. And you know what I was really amazed at was -- and if you could see here the check marks I've made -- all of these bills are open meeting bills, and I want to ask you why you had to have a separate bill for each one.

Here's, for example, AB 1936¹, which becomes Chapter 843 and is passed. This one requires open meetings of the Wildlife Conservation Board. The next one requires open meetings and records of the San

¹ A.B. 1936 1959 Reg. Sess., Cal. Stats., Ch. 843.

Francisco World Trade Center Authority¹. The next one is the California Advisory Board of Furniture and Bedding to have open meetings². And on the list goes: the California Aeronautics Commission³, the Pooled Money Investment Board⁴.

Do you remember why it was necessary to put this requirement separate? I mean, this is a long list. As I've indicated, there must be twenty-five, maybe thirty.

MARKS: I think they're all separate issues. We probably could have done it in one bill, but I'm not so sure that one bill would have passed. Probably there was some dissension about some of the bills.

SENEY: Oh, I see. That would be your reason then. Because remember, we alluded before to the constitutional amendment that you all looked at, when you were Constitutional Amendments chairman, which would have named a couple of bills -- the FPPC would have been in there and UC [University of California] trustees and CSU [California State University] trustees, and then any statutory board or any board that was created through executive authority, the governor's executive order. So with a

¹ A.B. 1938 1959 Reg. Sess., Cal. Stats., Ch. 845.

² A.B. 1939 1959 Reg. Sess., Cal. Stats., Ch. 846.

³ A.B. 1940 1959 Reg. Sess., Cal. Stats., Ch. 847.

⁴ A.B. 1941 1959 Reg. Sess., Cal. Stats., Ch. 848.

constitutional amendment maybe you felt you could take a broader approach, but here you're worried more about getting one of these dinged now.

MARKS: That's right.

SENEY: As you know, you wouldn't have had to do this if all of these agencies and boards would have accepted the spirit of the law.

MARKS: But they weren't in the original bill which was passed.

SENEY: And if they weren't in there and could find a way around it, they did, didn't they?

MARKS: Sure.

SENEY: Did it surprise you that there was as much resistance to what seems like a fair and commonsense kind of law as these open meeting laws as there was among all these entities?

MARKS: Well, some of the agencies contended that the only way they could meet was to meet privately. I think they are wrong. I think sometimes the agencies were opposed to the bills and therefore that stirred up some of the opposition.

SENEY: You know, just recently I interviewed Tom Hayes, whom I know you know, former state treasurer, and most recently he's been involved in the bankruptcy in Orange County, and he complained loudly to me about the open meeting law because he said it made it impossible really for him to

discuss the kind of confidential matters that needed to be discussed with the supervisors in total, in a kind of unique situation.

MARKS: I don't think they should be in total. I don't think they should ever be private.

SENEY: So he said he then had to go to each individual member and explain these things. So in other words, he found a way around it.

MARKS: Sure. Wouldn't speak before a quorum.

SENEY: Exactly. And I suppose if I pressed you, your point would be, well, they'd never have gotten in this problem in the first place if they'd had full disclosure all along of what they were doing.

MARKS: Everything that we say should be public. Everything. I don't think anything should be private.

SENEY: Well, it's really interesting to me, and I wanted to raise that to you, why all these separate bills, and again, your judgment and recollection is that they might not have passed as an omnibus bill.

MARKS: That's probably true.

SENEY: Where you could get them through individually, and once you started putting them through individually, I suppose, then you've got to keep doing that.

MARKS: Right.

SENEY: Then you had another one I wanted to ask you about, and this is another

early one, a 1959 one that you co-sponsored with Mr. Meyers¹. This expands the basic policy statement regarding water pollution and expands and defines the power of regional water pollution control boards and revises certain enforcement proceedings and adds two members to each regional board. And I raise this because this kind of sounds like environmental, something of environmental interest.

MARKS: It was.

SENEY: It looks to me almost like the first piece of legislation that had your name on it that expresses this kind of concern.

MARKS: Probably true.

SENEY: And it leads me to ask, because I know we've said before in this interview that you end up with this hundred percent Sierra Club rating. By the time you run in 1972 -- of course, the environmental movement is in full bloom. You and I both remember the Santa Barbara oil spill. That was the catalyst, remember? for all of this, and I see you were really showing an interest in this before it became a popular issue. Do you know why you did that, how that happened?

MARKS: I was just interested. I'm interested in the subject. I've shared a lot of interest in a lot of things. I was interested in the gay community before it got popular.

¹ A.B. 1974 1959 Reg. Sess., Cal. Stats., Ch. 1299.

- SENEY: Well, see, you said you're not a hunter. I take it you're probably not a fisherman.
- MARKS: I've caught about three fish in my life.
- SENEY: And aside from riding the bicycle under the BART tube -- are you much of a bicycle rider?
- MARKS: I have a bicycle at home.
- SENEY: A stationary one? But I'm talking otherwise when you were--
- MARKS: A stationary one. Oh, I used to ride a bicycle.
- SENEY: Well you know, what I'm getting at here is that the people who are outdoors people -- take the family camping much?
- MARKS: I've done a little bit.
- SENEY: A little bit. I'd better ask the kids. I'll bet very little, right?
- MARKS: Mostly in Boy Scouts.
- SENEY: You see what I'm getting at though. I mean, what is an outdoors type, then this issue kind of comes to them naturally, and I'm just kind of curious as to how -- and maybe you've answered my question already -- how it is you had an interest in this.
- MARKS: I just feel that you should preserve the open space, conserve open space. I think open space is something you can never get back if you lose it.
- SENEY: Do you think living in a beautiful city makes you more attuned to nature?
- MARKS: Sure. The Golden Gate Park is beautiful. It was all sand dunes at one

time. I remember when the Sunset was sand dunes. I remember it very well.

SENEY: Absolutely. Let me see, I've got some more here I want to ask you about. Oh, here's the one that -- AB 1510, of course, which was the Little Hoover Commission, now the Marks Commission. Here's another one in 1961 that you co-sponsored with Mr. [Assemblyman Jerome R.] Waldie¹ that I, again, would regard as an early -- and now we're talking 1959/1961. We're talking ten or twelve years before the environmental movement because I would date it right around 1969 with the Santa Barbara oil spill. So you're well ahead of the curve here. And this requires the director of Natural Resources, in cooperation with the directors of Water Resources and Fish and Game and the Reclamation Board to make surveys of development of reaches and banks along the Sacramento River and the Delta for recreation and wildlife purposes.

MARKS: I was very concerned with that.

SENEY: And again, I would put that in the environmental camp. You have all this list of bills in 1959 to require open meetings and then the Fish and Game Commission is required open meetings². Was that a tough one to get open meetings for, do you remember?

¹ A.B. 139 1961 Reg. Sess., Cal. Stats., Ch. 324.

² A.B. 1283 1961 Reg. Sess., Cal. Stats., Ch. 563.

- MARKS: A lot of the commissions were difficult because they felt that they should meet privately, and some of them still do.
- SENEY: Well, the Fish and Game Commission members are gubernatorial appointees, aren't they?
- MARKS: Right.
- SENEY: And they tend to be rather prominent, influential individuals, am I right?
- MARKS: Right.
- SENEY: So those would be very different, say, than the mattress and bedding commission.
- MARKS: Right.
- SENEY: Yeah, you're dealing with people who are likely to have influence.
- MARKS: Right, right. Have influence.
- SENEY: [They would] be ex-legislators and important people who would know how to kill one of these things, if that was what they wanted to do. And again, I had marked down here you sponsored a great deal of legislation with Speaker Unruh, and now he's speaker at this point. There are a number of bills. Some of them are quite -- these happen to be finance bills: abolishing the redemption tax fund¹ and abolishing the state

¹ A.B. 1877 1959 Reg. Sess., Cal. Stats., Ch. 881.

lands fund¹ and abolishing the state printing fund². I'm sure what you were doing in this case was consolidating these individual funds to a more manageable and more accountable kind of thing.

MARKS: Right.

SENEY: Let me see. Oh, you also co-sponsored with Unruh a bill to create the California Arts Commission³. This was in 1963.

MARKS: I'm a member of the Arts Committee right now.

SENEY: Are you still on the Arts Commission itself?

MARKS: No, on the committee.

SENEY: Oh, the committee here in the Senate, you mean.

MARKS: Right.

SENEY: What led you to take part in this particular act on the Arts Commission?

MARKS: I felt that we weren't supporting the arts enough. I still don't think we're supporting it enough. I think art is very important to California. It's diversified. It's not just big art galleries, it's little tiny art galleries and I think that we should support it more.

SENEY: It's harder to do now, isn't it?

MARKS: Yes, it is.

¹ A.B. 1878 1959 Reg. Sess., Cal. Stats., Ch. 892.

² A.B. 1880 1959 Reg. Sess., Cal. Stats., Ch. 1881.

³ A.B. 1 1959 Reg. Sess., Cal. Stats., Ch. 1742.

SENEY: More politicized.

MARKS: That's right, and some want to abolish a certain kind of art. Some I don't like but some I do like.

SENEY: What kind of things have you been considering in front of the Arts Committee recently?

MARKS: Well, we have art exhibitions and we have some laws supporting the Arts Commission, things of that kind.

SENEY: In 1965 you sponsored a piece of legislation -- this was yours and others co-sponsored but you were the primary author on this one -- that required the Legislative Counsel to prepare impartial analysis in general terms, showing the effect of "yes" and "no" vote on ballot measures¹.

MARKS: I tried that once and Governor Brown vetoed it.

SENEY: Did he? Well, this time it got through in '65. It shows it being chaptered.

MARKS: One time it got vetoed.

SENEY: Why would he veto it?

MARKS: God knows. I don't know why he vetoed it but he did.

SENEY: One thing you also call for, is an impartial, detailed analysis of the measure. You feel that they've lived up to that impartial pretty well?

MARKS: Pretty good.

SENEY: I mean, I cannot imagine--

¹ A.B. 742 1965 Reg. Sess., Cal. Stats., Ch. 2063.

MARKS: He vetoed it.

SENEY: Most voters would want to try to work their way through the ballot without--

MARKS: I couldn't understand why he vetoed it.

SENEY: I mean, it's something the voters are very addicted to, these voter pamphlets and--

MARKS: I don't know why he did it.

SENEY: The second time obviously he didn't veto it; he let it go through. Was it different than the first time, do you recall?

MARKS: I don't think so.

SENEY: That it was pretty much the same.

Let me ask you just about one or two other things and then we'll stop. It's two o'clock but I just have a couple more.

MARKS: Okay.

SENEY: One of the things is something that you co-sponsored with Senator McAteer in 1965, and this has to do with alcohol rehabilitation and alcoholism¹. You were active in the area of alcoholism and alcohol treatment.

MARKS: Very much.

SENEY: Why was that? What got you interested in that?

¹ S.B. 1279 1965 Reg. Sess., Cal Stats., Ch. 1431.

MARKS: Well, I think there's a lot of alcoholism, particularly in San Francisco and in a lot of areas that's important. I think we must do all we possibly can to help alcoholics; I'm not against liquor but cut down the abuse of liquor.

SENEY: You know, sometimes with this kind of legislation, a person is maybe going to get involved in it because it's come close to them. I don't mean you as an alcoholic.. But did it ever come close to you? Did you have it in your business associates or a political friend perhaps?

MARKS: Probably did.

SENEY: Maybe a family member somewhere. Anything of that kind?

MARKS: No, I don't think so.

SENEY: Because you know that with an issue like this, that's frequently the connection that a legislator will have.

MARKS: No, I don't think so.

SENEY: Okay. It was just your understanding of the general problem.

MARKS: Right, right.

SENEY: How do you feel you've done on it?

MARKS: I think we've done pretty well on alcoholism but it's still a difficult problem because an alcoholic, it's very difficult to disabuse them of it.

SENEY: That's right.

MARKS: Alcoholics Anonymous helps but it doesn't help completely.

SENEY: Right. You know, later on there's a piece of legislation here that actually

sort of names some of these programs for the late-Senator McAteer¹. I take it he was interested in this kind of legislation.

MARKS: Yeah. He started it. I did name it after him.

SENEY: Did he get you involved in it a little bit too, maybe, the issue and working with him?

MARKS: He probably did. I don't recall.

SENEY: Because I know in the materials of yours I read, there are numerous references to your support for appropriations for getting a separate alcohol abuse division in the Health Department.

MARKS: I was very active in that field initially. A long time ago.

SENEY: Right. And then you sponsored with Senator Burns an advisory commission on the status of women².

MARKS: Yes. I started that.

SENEY: In 1965. And again, that's pretty early.

MARKS: I'm on the Status of Women Commission.

SENEY: Oh, you are now.

MARKS: Right.

SENEY: And then there's with Senator Moscone in 1968 something else I would

¹ S.B. 338 1969 Reg. Sess., Cal Stats., Ch. 290.

² S.B. 675 1965 Reg. Sess., Cal Stats., Ch. 1378.

call environmental legislation¹. Again, this is before this sort of thing gets popular and this is establishing a conservation education service in the Department of Education to encourage school districts to develop a kind of curriculum, and again, it's called conservation at this point rather than environmental studies.

Oh, and here's one I want to ask you about because it's kind of a peculiar sounding piece of legislation and this is SB 1386² in 1969 that you sponsored and it requires the Department of Veterans Affairs to grant veterans collegiate educational benefits for post-graduate college study to children of veterans killed in action in World War II who are enrolled in graduate study, who have specified Chinese language skills, and who meet specified age limits.

MARKS: The Chinese skills is probably because of the constituency which I represent.

SENEY: That's what I'm thinking, that this must have been a kind of almost specialized piece of legislation.

MARKS: Probably.

SENEY: You can't say, "Give it to so and so--"

MARKS: No.

¹ S.B. 206 1968 Reg. Sess., Cal Stats., Ch. 978.

² S.B. 1386 1969 Reg. Sess., Cal. Stats., Ch. 1210.

SENEY: But you can write it in such a way that it goes to so and so. Is that what this is, do you think?

MARKS: Probably true.

SENEY: I thought that might be the case. And then, something I want to talk to you about later is here's the first piece of legislation that deals with handicapped assistance, which I know you've been very, very active in.

MARKS: I've been chair of the committee for a number of years.

SENEY: Yes. And I know you've been very involved -- and this is in 1970 and this is the first time I see legislation dealing with this. And then again, something else I would think of as environmental legislation -- now, this is in '71 -- establishing the Farallon Islands Game Refuge¹. And then a Bicycle Recreation and Safety Act² with Senator Behr.

MARKS: I was quite busy.

SENEY: Well, look at all this stuff. I've only alluded to a little bit of it. Yes, you were. You've got quite a legislative record for the period -- from '71 on, and I'm gesturing with my finger showing more than an inch of paper that I've got to go through, thanks to all your work here.

All right, Senator. Well, I appreciate that, and that'll be enough for today and I'll be back again. Thank you.

¹ S.B. 297 1971 Reg. Sess., Cal Stats., Ch. 143.

² S.B. 722 1971 Reg. Sess., Cal. Stats., Ch. 1250.

Session 5, February 27, 1996

[Begin Tape 8, Side A]

SENEY: Good morning, Senator.

MARKS: Good morning.

SENEY: I wanted to start today by asking you about the incident where you voted to override a 1973 veto by Governor Reagan of a mental health bill. Do you recall that?

MARKS: Yes, I do.

SENEY: Tell me what your memories are of that.

MARKS: In the first place, I voted for the bill. I felt the bill should not have been vetoed.

SENEY: Tell us a little about the substance of the bill.

MARKS: The substance of the bill had to do with the ability of the state of California to take care of people who had been discharged on mental health problems. Governor Reagan had discharged a number of people from the mental health facilities on the basis that the local localities were going to take care of the people in the localities when they were discharged. This was a bill that tried to take care of that situation and he vetoed the bill. I thought he should not have vetoed the bill.

SENEY: There wasn't an extra vote in the Senate to override that.

MARKS: Well, it's very hard to override a veto ever.

SENEY: Well, this is the first time a veto had been overridden since the 1940s, was it not?

MARKS: That's right.

SENEY: Before the vote, I understand the governor's office appealed to you not to vote to override it.

MARKS: Ed Meese called me and threatened me. He told me that if I were to vote to override the veto that they would put in someone to run against me as a Republican, even though I was a Republican, and I told him they couldn't do that.

SENEY: In the primary, you mean they would have done that to you.

MARKS: I told them they could not do that. They could do it but they weren't going to succeed and that I would not accede to their wishes. I said I felt it was a good bill and the governor should not have vetoed it and I intended to vote for it, vote for the override.

SENEY: Do you remember what the tone of the conversation was like?

MARKS: It was quite bitter. It was a threatening tone. It was a "You do this or we will do that." And it was one that I would not take as a legislator, I wouldn't take as a Republican. I wouldn't take it from a Republican governor.

SENEY: Had you ever been talked to that way before by a governor or a member of the governor's staff?

MARKS: No, never.

SENEY: Was that kind of approach to a legislator pretty unusual, as far as you knew?

MARKS: I really don't know if there were other people or not. They didn't succeed with me.

SENEY: You went to the floor, did you not, and talked to them about this.

MARKS: I went to the floor and I decided that I was going to tell the whole story on the floor of the Senate -- that I was going to tell the whole story on the floor as to what the threats were and who made them and what I had told them to do. And I did do so and I was glad that I did it.

SENEY: What was your thinking in doing that? What was in your mind when you decided to do that?

MARKS: I was trying to demonstrate my independence, the fact that I was not going to be threatened by anybody, governor or whoever he was.

SENEY: Would this be a way of maybe heading off their threat to run someone against you, blunting what they had done?

MARKS: No, I don't think it was a threat of somebody against me. I felt that had they run someone against me I would have beaten them. It was just a nuisance.

SENEY: I guess what I'm thinking about is how a person handles this kind of a situation, thinking in political terms. And I don't mean political in the

crass sense.

MARKS: I decided that this was something that I should disclose to the people, that if I voted to override and they came through with their override that the public should know what the situation was, and I decided to do that and I did it, and I'm glad I did it.

SENEY: You know, my understanding is that Governor Reagan would have over to where he lived, out in the 40's somewhere -- I can't remember now what the street was, in the 40's as it's called here in Sacramento -- that he would have Republican legislators over to--

MARKS: At times.

SENEY: Did you ever attend those meetings?

MARKS: I did.

SENEY: What went on at those meetings?

MARKS: Well, it was not political. They were discussions of some efforts that the governor's office was doing. Once in a while I would agree with them -- very rarely -- but once in a while. But usually I wouldn't and I didn't say anything. Except on occasion I did.

SENEY: I guess probably Governor Reagan knew that your vote was one he couldn't count on particularly.

MARKS: He knew it quite well. It's true.

SENEY: Did he ever say anything to you about that?

MARKS: Yeah. He once implied that he would run somebody against me. He didn't say it but he implied it.

SENEY: This is a time other than the one you've been describing about the veto override.

MARKS: Right.

SENEY: Do you remember what it was that made him say that?

MARKS: I guess he expected Republicans to agree with him all the time and I just didn't. I'd been a Republican longer than he had been.

SENEY: Yes, that's true, isn't it?

MARKS: And I said so.

SENEY: To him, I take it?

MARKS: When he came back on this particular incident and claimed that I had not said such and such, that I was going against Republican principles, I said I've been a Republican longer than he has.

SENEY: You mean when you discussed on the floor this threat over the veto business, he didn't like that -- he denied that happened, didn't he?

MARKS: He denied it happened. I said, "Well, does he listen on the telephone? He couldn't have known what was said."

SENEY: Did Meese ever get ahold of you after that to say, "Why'd the hell did you do that?"

MARKS: Never.

SENEY: You must have talked to him subsequently.

MARKS: Oh yeah.

SENEY: Did it ever come up?

MARKS: Never.

SENEY: That's just water under the bridge.

MARKS: Water under the bridge.

SENEY: But Reagan was clearly not very happy with you or with the fact that his veto had been overridden.

MARKS: I wasn't very happy with him.

SENEY: Did you feel that what you had done was fairly gutsy, given the threat that had been made?

MARKS: Yes, I thought it was quite gutsy because I came from a district which was occupied by a Republican governor and I had opposed a Republican governor.

SENEY: Did they in fact in 1976 run anybody against you or make any noises that they were going to do that?

MARKS: They kept making noises all the time I was there. They didn't run anybody. Bill Richardson later put an ad in the Marin paper urging somebody to come forward to run against me.

SENEY: This is Senator Richardson.

MARKS: Right.

SENEY: When did that ad appear, do you remember?

MARKS: Probably the '80s, early '80s.

SENEY: After this had happened.

MARKS: Because Bill Richardson had also voted to override the veto.

SENEY: Well, there weren't enough Democrats to override it; there needed to be Republican votes at that time, a few at any rate. Well, in 1973 there would have been a number needed, wouldn't there, because the Senate was evenly split at that point.

MARKS: Pretty evenly.

SENEY: Let me ask you about running for mayor. What motivated you to run for mayor of San Francisco?

MARKS: Something I've always wanted to be, be a mayor of San Francisco. I think anybody who's been in politics for a number of years and lived in San Francisco all their life sometimes feel they could be mayor. I'm not so sure it was a good idea but at that time it seemed like a good idea.

SENEY: You know, at this point the law had been changed so that it would have required a runoff. If you remember when Mr. [Joseph] Alioto was elected the first time, I think he was elected with only 40 percent of the votes.

MARKS: I think so.

SENEY: Because it was a winner-take-all election without a runoff. So whoever got the most won, even if it was less than 50 percent.

Did the fact that there was going to be a runoff in this election have any influence on your decision?

MARKS: Well, I feel I was ahead. I think the polls I took originally showed I was ahead of everybody. I really didn't expect Moscone to get into the race or [John] Barbagelata to get into the race or Feinstein to get into the race. I think they all took votes away from me, because I think that I was a candidate against Moscone to some extent.

SENEY: Did you expect [Jack] Ertola to run?

MARKS: I did not.

SENEY: Were you the first to declare in the race?

MARKS: I'd been one of the first.

SENEY: And as more began to declare, did you begin to feel like maybe your support would have been siphoned away?

MARKS: I wondered about it a little bit. Yes, I did think so.

SENEY: You know, Mr. Smith, Dan Smith, had been your--

MARKS: Ron Smith.

SENEY: I'm sorry -- Ron Smith had been your campaign manager in 1972. He then went and worked for Feinstein in that election.

MARKS: Right.

SENEY: How did that happen? Did you contact him to work for you?

MARKS: I think he came out with Feinstein before I had a chance to contact him.

SENEY: Now, he was a Republican consultant, at least that's what he was known as--

MARKS: That's right, he was.

SENEY: --and Feinstein was pretty much known as a Democrat, even in those days kind of a liberal Democrat, people would say. How was it you think he worked for her?

MARKS: I think they were good friends.

SENEY: I see. And who ran your campaign that year? Was it Clint Reilly?

MARKS: No, it wasn't Clint Riley. It was -- I can't remember his name. He was terrible. I'll think of it eventually.

SENEY: Okay. Well, we can add it even later if we need to. Do you remember what the issues -- were there any issues to speak of in that campaign?

MARKS: Well, I just talked about the fact that I would do the same job I did as senator and try to represent all the people of San Francisco. I discussed that issue. That was my basic issue.

SENEY: You had labor support in your '72 election, in your elections for Senate and the Assembly. Did you get labor support in this election, do you remember?

MARKS: It went mostly to Moscone. My labor record was better than his. I pointed it out to them lots of times.

SENEY: But in this case, the Phil Burton so-called machine or organization would have been involved, would it not?

MARKS: Right.

SENEY: Backing Moscone in this case.

MARKS: Right.

SENEY: And would that have been what brought labor to his side?

MARKS: Probably.

SENEY: Burton's influence in this?

MARKS: He had a good labor record but not as good as mine.

SENEY: Did the Republican Party help you out at all in this election?

MARKS: Not too much.

SENEY: You know, another change that had occurred as well as there having to be a runoff was there were now campaign limitations in effect, and I think that year the spending was limited to about \$130,000 per candidate. Did that enter into your thinking in terms of running too?

MARKS: A little bit. I thought about the limitations having an effect upon us. I'm not sure that it was disclosed to us until after we ran -- decided to run.

SENEY: Ah, I see. I guess I'm thinking here that if you knew the other guys could only spend \$130,000, that would kind of alleviate the fear of some kind of surprise media blitz at the end of the campaign when you knew that people's money was limited. Is that how you think about a limitation like

that when you're considering a race of this kind?

MARKS: In a media campaign?

SENEY: I guess I'm thinking if I'm running for mayor and you're running for mayor and I know all you can spend is \$130,000 and all I can spend is \$130,000 and I kind of got a sense maybe of what you're spending and what I'm spending, I know that at the end you're not going to be able to mount a big media campaign; that's not going to be a problem.

MARKS: There probably is some effect.

SENEY: So you'd know what the ground rules were and so forth.

MARKS: Right.

SENEY: Do you remember whether or not it was difficult for you to raise money for that election?

MARKS: I don't think it was terribly difficult. I had a very good committee that helped me with my campaign headed by Mel Swig.

SENEY: Well, he was a very powerful individual in San Francisco, was he not?

MARKS: Right.

SENEY: When you decided to run, how does that work? You obviously contacted Mr. Swig and got him to be your campaign chairman. How do you do something like that? Who did you go around and visit and talk to and say, "Listen, I'm interested in mayor"?

MARKS: I talked to a lot of prominent people in San Francisco. I can't recall the

names of them, but I do remember him. He was one of the heads of the campaign and he was very effective for me.

SENEY: What about [Morris] Moe Bernstein? Would he have been an important player at this point?

MARKS: Yes. I'm not sure whether Moe helped me or not. I was a friend of his but I don't know.

SENEY: Henry Berman maybe?

MARKS: He was a friend of -- I think he probably -- probably for Moscone.

SENEY: Because San Francisco is in this sense a relatively small town, isn't it, when you're running for mayor.

MARKS: It is a small town -- geographically.

SENEY: Right. And I guess in terms of important political personalities and the ones you deal with on something like this, it's a relatively small town.

MARKS: It is small.

SENEY: Twenty or thirty people maybe would be important?

MARKS: Probably. I probably had more than that.

SENEY: And certainly Mr. Swig was one of the most important. Who would you rate as important? Would Moe Bernstein have been an important individual?

MARKS: He was sort of important. He was very close to Moscone -- I mean to Burton. He was very close.

SENEY: Who would you have rated during this period of the '75 race as maybe the most important nonelected person in San Francisco?

MARKS: I think Mel Swig is one of the most important people. He had a great respect for people. He was involved in the business community because he was head of the Fairmont Hotel and he was also a person who had a lot of efforts with labor, a lot of other groups he worked with, Jewish groups.

SENEY: You know, for the moment I'm drawing a blank on the man who heads Milton Meyer & Company.

MARKS: That's Walter Schorenstein.

SENEY: How about Mr. Schorenstein?

MARKS: I don't think he helped me in that. I'm not sure.

SENEY: Would he though have been one of these prominent individuals in the city that you deal with on this?

MARKS: He would. Right, right.

SENEY: But again, the Republican Party didn't take an active part in this?

MARKS: I don't think they took an active role in this at all. Barbagelata was a Republican. He was more Republican than I was.

SENEY: And he kind of cut into your Republican base, don't you think?

MARKS: Yes, he did. And Moscone, and Ertola did too.

SENEY: And Feinstein probably, a little bit.

MARKS: Yeah, right.

- SENEY: Which way did the Jewish community go in this race with both you and Diane Feinstein in the race?
- MARKS: I think it was pretty close. I don't think there was any derivation. There may have been undoubtedly people who were for her who I would have thought would have been for me. I'm not sure who they were. At the moment I can't remember.
- SENEY: The Jewish community is how numerous, would you say, in San Francisco?
- MARKS: Sixty thousand people.
- SENEY: Are you thinking now of women and children or are you thinking now of voters when you say 60,000?
- MARKS: Probably less than that in voters.
- SENEY: But pretty reliable voters.
- MARKS: Right.
- SENEY: I mean, likely to come out in big numbers, which gives them a good deal of clout, I would think, as a community.
- MARKS: Right, right.
- SENEY: And then I would guess it would also be an important fundraising community as well.
- MARKS: That's true.
- SENEY: Where you could get some important seed money and so forth for a

campaign.

MARKS: That's correct.

SENEY: I understand at the same time as this that Congressman Mailliard had just before this been appointed to an ambassadorship by President Nixon and that his seat in Congress had become available.

MARKS: Right.

SENEY: And did you give that some thought at the time?

MARKS: I really didn't. I don't know why I didn't. I decided I wanted to run for mayor.

SENEY: How disappointed were you by this election?

MARKS: I was disappointed.

SENEY: You came in fifth out of five. Did that surprise you?

MARKS: Yes, it did.

SENEY: I mean, here you had won in 1972 in a pretty hot race, contested race and won very handily. You did a very good job in '72 in terms of running. How do you explain the difference? Let me jump ahead just briefly. You win again very convincingly in '76 for the Senate.

MARKS: I think there was division in the vote. I still think it was the Barbagelata vote and their total vote, and the Feinstein vote to some extent, that took votes away from me. I'm convinced of that.

SENEY: So it was just the way the field had spread out.

MARKS: The field had spread out, unfortunately.

SENEY: Everybody was quarreling over the same voters essentially.

MARKS: Right.

SENEY: And it did turn out to be a runoff between Moscone and Barbagelata.

MARKS: That's correct.

SENEY: Did that surprise you when Barbagelata came in second?

MARKS: Well, some people say he won the election.

SENEY: How do you mean?

MARKS: He always claimed that the count in the election, that he was ahead.

SENEY: The final election you mean?

MARKS: That's right.

SENEY: In the runoff.

MARKS: He always claimed that he'd won.

SENEY: There were allegations of fraud then, were there?

MARKS: There were some.

SENEY: Do you think that there were?

MARKS: I have no idea. Absolutely no idea. I didn't have anything to do with the counting of the votes.

SENEY: Would it surprise you if there had been fraud in the election, or would it not surprise you?

MARKS: I don't think I really should comment on that because I really had nothing

to do with it.

SENEY: Well, what I'm trying to get at maybe is whether or not this kind of corruption would go on in San Francisco. Do you think it would?

MARKS: Well, it's possible. There are ways in which some votes could be changed. I never had anything to do with it but I think there are ways.

SENEY: No, I'm not suggesting that you did have anything to do with it. I'm just more asking you kind of for your gut feeling here.

MARKS: I think it was possible. It was a very close election.

SENEY: Moscone did not win by very much in the final election. It was a minuscule number that separated the two of them.

MARKS: That's right.

SENEY: Well, that's interesting. Again, I'm asking you for your gut feeling here. Is it your feeling that politics is fairly honest in San Francisco?

MARKS: I think it's fairly honest. I think compared to other cities it's pretty honest.

SENEY: Let me ask you about Harvey Milk in the 1975 race because I found in the files that you've been so kind to let me see, I found a very interesting letter from Harvey Milk, actually addressed to Mrs. Marks. Apparently, she had written him or contacted him to ask him to endorse you for the mayor's race and he wrote her back. Clearly, he had typed this letter himself; there are mistakes and strikeovers in it. And it's a very lovely letter which he has signed himself, of course. In it he talks about that he's not ready at

this point yet to endorse anyone for mayor. I take it, in the end he endorsed Moscone, did he not?

MARKS: I'm not sure he would have. I think he might have endorsed me if he was still alive.

SENEY: No, I'm thinking of the 1975 mayor's race when he was running for supervisor.

MARKS: Oh, I see.

SENEY: Did he not endorse Moscone? Am I right in thinking that?

MARKS: I think you're right.

SENEY: And in the letter where he says he's really not able to endorse you, he hadn't come to a decision yet, he asks for your endorsement for the 5th District.

MARKS: I gave it to him.

SENEY: Yes, you did, and in that--

MARKS: I campaigned for him.

SENEY: In that same file I found a printed flyer that indicated your support for him.

MARKS: I wrote a letter for him.

SENEY: And that was turned into a campaign piece, if you remember, and which he used.

MARKS: Right, right. I was very friendly with him.

SENEY: Talk about Harvey Milk a little bit.

MARKS: Harvey Milk was a very unusual man. He was very devoted, very dedicated to his efforts. I think he was the first gay leader of San Francisco. He started the Castro street fair which became the biggest fair. I was the first one who attended it with him before anybody else did. I went there and I attended it with him because I believe that the gay community should be active in our society. I think Harvey was a very dedicated person who was devoted to the efforts to try to promote equality in San Francisco and the state of California and the United States, and I think he did a great job. He would have made a great supervisor or mayor possibly.

SENEY: How were his political instincts, did you think?

MARKS: He was moderate, fairly moderate. Sort of liberal.

SENEY: I guess I'm not asking so much about his political views as what kind of a politician was he. How good was he at sensing what you need to do to advance the things you're interested in?

MARKS: I think he was very good. I think he did an awful lot for the people of California. He had to fight the Burton machine. Burtons were against him.

SENEY: That's interesting. Why is that, do you know?

MARKS: He was not part of the Burton machine, and the campaign, when [Art] Agnos ran against him -- for supervisor I guess -- Agnos beat him. Agnos

was supported by Burton and Burton was against Harvey Milk. I was for Harvey Milk. I commented on that lots of times during the congressional race.

SENEY: This would have been the first time that Harvey Milk ran for the board of supervisors, because he was successful in 1975.

MARKS: Right.

SENEY: Did he ever come to you for political advice?

MARKS: Occasionally. We spent a lot of time together. Much time. We would sit down and talk with each other either at my house or his business.

SENEY: He owned a camera shop, didn't he?

MARKS: Yes. I used to meet there lots of times. I rang doorbells for him when he first ran for supervisor. I went into bars with him, visited all kind of places in the gay community, and I think I was effective because I was a Republican then and I was campaigning for a very active Democrat.

SENEY: Although there are a fair number of gay voters in the Republican community, are there not?

MARKS: There used to be.

SENEY: There are not so many anymore.

MARKS: The Republicans have been so terrible to them.

SENEY: Republican because of pocketbook issues. That is, a lot of gays are prosperous and that draws them to the Republican Party, but I guess you

would suggest that maybe it might be the AIDS issue that would bring them back to the Democratic Party.

MARKS: Right.

SENEY: We'll talk about your activity in terms of AIDS legislation probably tomorrow when we talk about the legislation that you've done.

Talk a little more about Harvey Milk. If he were sitting here today with us, would he talk mostly about politics? Was that mostly what he was interested in?

MARKS: He would talk about things he was concerned with and the efforts he was making in San Francisco -- AIDS or other things that he was concerned with. Not necessarily AIDS -- I don't think AIDS became an issue.

SENEY: AIDS weren't really known at the time, was it?

MARKS: But the discrimination against gays, which I fought against very heavily for years in the Legislature. I don't believe in discrimination against anybody. I think everybody should be treated equally.

SENEY: Was he pretty much focused on politics? Did he have much of a sense of humor?

MARKS: He had a sense of humor but he was pretty much devoted to politics.

SENEY: Pretty much a political guy.

MARKS: I didn't know his family at all. He had a family. He had a brother who stayed with him. When Harvey was killed he stayed in our house living

with us. He came out to San Francisco for the Harvey Milk funeral and stayed with us.

SENEY: You know, one of the things I found in that file with that letter from Harvey Milk to you and Mrs. Marks that I mentioned was your handwritten drafts of the speech you made at the memorial service at the Opera House.

MARKS: I was very devoted to him.

SENEY: I mean, you clearly put a lot of effort into that.

MARKS: I liked him very much. I felt very close to him.

SENEY: I do want to say that you clearly worked very hard on that speech and drafted it and rewrote it and so forth to get it obviously where you wanted it. Do you remember the day of the assassination?

MARKS: Yes. I can't remember where I was.

SENEY: Let me turn this over, Senator.

[Begin Tape 8, Side B]

MARKS: I don't recall where I was, but I do recall that almost immediately after he was assassinated, we all got bodyguards. I got a bodyguard, everybody got a bodyguard. [They] came out to our house, met us.

SENEY: You mean from the city police department?

MARKS: Right, right. He was with me all the time.

SENEY: How long did that last?

MARKS: About a month.

SENEY: Even though it was clear that Dan White, the former supervisor, had done this, they still felt it was necessary.

MARKS: They knew he had done it but they didn't know how far-fetched it was.

SENEY: Whether others were involved?

MARKS: Whether others would be involved. So we all went to the -- I remember the funeral was a huge funeral at St. Mary's Cathedral where Harvey Milk and George Moscone were buried, a huge number of people, and we all had our bodyguards. We all walked in there with our bodyguards.

SENEY: You had never had a bodyguard before.

MARKS: Never.

SENEY: Never had one since.

MARKS: Very useful for parking.

SENEY: You mean, you got to park anywhere you wanted.

MARKS: That's right.

SENEY: So I guess in that sense maybe you missed him when he was gone.

MARKS: I miss him very much.

SENEY: I don't mean Harvey, I meant the bodyguard. I know you miss Harvey very much.

When you started out becoming acquainted with the gay community and

learning about them and seeking their support, did that cause you problems with other constituents or elements that supported you?

MARKS: It probably did. It undoubtedly did. There were some people in the general community who were not interested in gays, the equal treatment of gays. I was. I happen to believe very strongly that they should be treated equally. In other words, I believe that if you were gay and you came to me for a job, I should look at you on the same basis I would look at everybody else. If you're qualified, you should be hired; if you're not qualified, you should not be hired. But not because you were gay but because you weren't qualified. Therefore, I believe that legislation which I put in later on, which made it a part of the FPPC, the Fair Political Practices Commission, that efforts should be made to have gays treated equally, that it was unfair to discriminate against them because they were gay¹. If a person came to see me who wanted to get a job as an accountant, I should look at his abilities as an accountant, nothing else. And if he were a good accountant I should hire him. If he's not a good accountant I shouldn't hire him and it would have nothing to do with he's gay.

SENEY: But you never felt as though this maybe lost you political support .

MARKS: Probably some. I don't think too much. I think I probably gained more.

SENEY: You know, I found a lot of letters in your files from people on every

¹ S.B. 2053 1978-1979 Reg. Sess., (1978); S.B. 3 1978-1979 Reg. Sess., (1979).

subject -- some of them thanking you and a few of them complaining -- so I take it people write you about everything.

MARKS: Oh yeah. Millions of letters.

SENEY: Although I didn't find any in this regard. There must have been some who wrote you to complain about your stand here. Do you recall any of that or that there was much of that?

MARKS: No, I don't.

SENEY: If you didn't, then I guess there probably wasn't much.

MARKS: If there was much, I didn't pay any attention to it.

SENEY: But on balance, if you were to look at it simply in political terms, that is gaining and losing votes, you probably gained votes on this stand.

MARKS: I probably gained votes because I was a Republican. You must remember the gay constituency is basically Democratic and there are a lot of people who came to me and said, "I voted for you, the only Republican I ever voted for. I voted for you because you're a good man and you've done the things we think are correct and I'll vote for you and I have voted for you."

SENEY: Did you notice any difference in the way that you were, say, when you went around the bars in the Castro area, the gay bars, and establishments in the Castro area, any difference in those constituents than in your others in the concerns that they had?

MARKS: No. No. They're interested in the same things. They're interested in jobs

and discrimination, which bothers me very much. I'm Jewish, but discrimination has never bothered me from the Jewish standpoint but I think there undoubtedly are occasions where discrimination has occurred against Jews. I'm against any form of discrimination.

SENEY: You don't feel you've ever been the victim of it personally.

MARKS: Never.

SENEY: But clearly, members of your faith have been and that's obvious.

MARKS: Probably. Not as much as San Francisco as in other places.

SENEY: Do you think that being Jewish is what maybe made you sensitive to the gay community and the discrimination there?

MARKS: I don't know whether it was the way I was brought up or the way I was Jewish. I think it was the way I was brought up.

SENEY: Let me ask you about the 1976 race, because here you lose the mayor's race, and again, as we said, you come in fifth. Did that concern you now that maybe your political position was weakened as you went into the '76 race?

MARKS: No, because I really felt, and I still think that my vote in the mayor's race was largely determined by the others who got in the race. I can't prove it, I have no way of proving it, but I just feel that.

SENEY: So you didn't feel, again, as though you were kind of -- maybe more worried about the '76 race because of this loss?

- MARKS: No. I'm not even sure who I ran against in '76. Who'd I run against?
- SENEY: Mendelsohn -- Bob Mendelsohn.
- MARKS: That was a very tough race because I wound up without the *Chronicle* or the *Examiner* or the *Progress*. All three of the major newspapers in San Francisco were against me were for Mendelsohn, and the only paper I got was the *Sun Reporter* and the *Bay Guardian*.
- SENEY: You did get some labor support, though, in 1976. The Building and Construction Trades--
- MARKS: Right, right.
- SENEY: They stuck with you on that. Harvey Milk endorsed you in '76 over Mendelsohn.
- MARKS: Yeah, he did. He liked me.
- SENEY: Mendelsohn had something of a reputation, did he not, as being kind of a sharp operator?
- MARKS: I think so. I may be a little prejudiced, but I think so.
- SENEY: Well, you're not the only one who thought so. I mean, there were comments that we ought to keep him here in San Francisco. He was a member of the board of supervisors so we can kind of keep an eye on him, rather than letting him go over to Sacramento where he'd be harder to watch.

Do you remember your discussions with Harvey Milk that got him to

support you?

MARKS: I just went to him. I told him that Bob Mendelsohn was running against me and he said, "I'm for you." He told me he was for me. He volunteered it.

SENEY: Did he? By this time he had served with Mendelsohn for about a year.

MARKS: Right.

SENEY: Did they get along, do you know?

MARKS: Not too well.

SENEY: And that probably was a factor as well, I should think.

MARKS: Probably.

SENEY: One of the things that happened in '76 was during the campaign, you introduced Willie Brown's bill, AB 489, the consenting adults bill, in the Senate. Do you remember that?

MARKS: Right. Moscone and I were the only co-authors of it.

SENEY: And this was a bill, again, which essentially removed any legal sanction for sexual conduct among consenting adults.

MARKS: Right.

SENEY: And it didn't say what sex, it just said consenting adults.

MARKS: And that bill came out by a vote of 20 for and 20 against and Dymally came on the floor and broke the tie and voted for the bill.

SENEY: This is Lieutenant Governor Dymally.

MARKS: Right.

SENEY: And it was the only time he ever did that as lieutenant governor.

MARKS: The only time. He was called in from Los Angeles.

SENEY: And Jerry Brown was governor. Of course, he signed the bill.

MARKS: Right.

SENEY: That bill had been very controversial, hadn't it, obviously.

MARKS: That's right.

SENEY: Was it hard to round up those 20 votes for it?

MARKS: Well, there were some you knew you never would get. Some people you'd just never have a chance with; others you weren't sure of. We did as well as we lost. We did just as well. We got twenty, including one Republican who voted for it -- the president pro tem of the Senate.

SENEY: Was that Schrade at the time?

MARKS: No, not Schrade. Before Schrade¹.

SENEY: We talked about him last time and I should be able to remember it.

MARKS: He was from the Santa Barbara area, somewhere in that area. I can't think of his name.

SENEY: The one who preceded Schrade as pro tem.

MARKS: Right. He voted for the bill.

SENEY: We'll think of it later, I'm sure. But that came during the campaign, didn't

¹ Senator Howard Way.

it?

MARKS: Right.

SENEY: And that was generally regarded as an important vote in terms of cementing your support within the gay community. And again, this would not be the kind of legislation that would hurt you with other constituencies in San Francisco.

MARKS: I don't think so. I think the constituency it has is basically sort of liberal.

SENEY: Well, you now, Mendelsohn really outspent you in this race. He spent \$570,000 and you spent about \$230,000.

MARKS: He kept on telling me that after I lost he was going to get me a job, do all he could to help me. He was trying to convince me I was going to lose. I came damn close to it. I only won by 5,000 votes.

SENEY: You know, at the beginning of that election, the polls, the original polls did show you losing, didn't they? That's what brought him into the race, was his polls and your own polls made it look as though you were going to lose that race.

MARKS: Right.

SENEY: Now, by Labor Day, by October the polls had turned around. It had evened up and begun to turn around. What do you think caused that in that election?

MARKS: I campaigned extremely hard. I rang a lot of doorbells and I had a huge

staff -- not a staff -- of volunteers of people who helped me in my campaign. Thousands of people helped me, Democrats as well as Republicans. Mendelsohn was trying to make me a staunch Republican and he always put signs that had vote for Republican Senator Marks. He'd put the word "Republican" on all of my signs.

SENEY: So he would come around and plaster script that said "Republican" on your signs.

MARKS: That's right.

SENEY: That's not something you advertised heavily.

MARKS: No, it wasn't.

SENEY: That's interesting. Do you remember what issues were telling against him? You had the Sierra Club endorsement in that race.

MARKS: I had the Sierra Club. I think I had labor.

SENEY: Yes, you had elements of labor and I think most all of labor.

MARKS: He had a lot of the business community.

SENEY: Feinstein endorsed him.

MARKS: I think so. Leo McCarthy, I think, did.

SENEY: The Burtons backed him, if I'm not mistaken.

MARKS: Right. Basically, all the Democratic leadership was for him, and he was inclined to win.

SENEY: The Republicans kicked some money in for you this time, did they not?

MARKS: Somewhat.

SENEY: The Republicans in the Senate provided some funds. This was about the toughest race you had, wasn't it?

MARKS: That and the Burton race are about the same number of votes. Each about 5,000 votes I won by.

SENEY: John Burton in 1967 when you first ran, that's right. I'm thinking as an incumbent, this was the hardest.

MARKS: It was a very tough race.

SENEY: Did you get down at any point? Did you feel like you weren't going to win this one?

MARKS: Well, I was determined I was going to win the goddamned thing. I was going to ring doorbells until they came out of my ears. I was never going to stop, I was never going to let up at all. I was determined I was going to beat him.

SENEY: What do you do when you ring a doorbell and somebody comes to the door? What do you say to them?

MARKS: If somebody comes to the door I tell them who I am and I say, "I am the senator--" or "I'm running for senator and I'd appreciate your support." If they don't want to ask me any questions, that's fine. If they want to ask me questions, then I answer them.

SENEY: Otherwise, you go on to the next door.

- MARKS: And if people were not at home, I'd just write something on my card, "Sorry I missed you," would sign my name and leave the card there.
- SENEY: Maybe I said this to you before but you strike me as a kind of reserved person and maybe even shy a little bit. Was it hard for you to do this?
- MARKS: Sure it was. It was very hard to start.
- SENEY: Did you get to the point where you enjoyed it or was it always kind of hard?
- MARKS: Well, I sort of enjoyed the campaigning. It was very tiring. I mean, up and down those stairs for twelve hours a day, every day, every day ringing doorbells by the carload. I'd go to bus stops and go to theaters and go to everything you can think of. Go to restaurants. Everything you can think of.
- SENEY: You know, one of the things I found in your files, including for the 1976 race, are big maps, color coded, in terms of how many votes you had in these precincts and so forth. I take it you would use these to plan your day?
- MARKS: I had a certain area -- the Richmond district, I'd go to one side of the Richmond district, go from one side to the other, or whatever the district would be I'd continue it. I would mark them off.
- SENEY: Would you do the whole of the Richmond district or would you look for those areas where you needed support?

MARKS: I'd do the whole thing.

SENEY: The whole thing.

MARKS: Whole thing.

SENEY: You wouldn't just look for the precincts where maybe you were--?

MARKS: I did everything.

SENEY: You thought you could gain. Just do it all.

MARKS: Everywhere.

SENEY: I told you that I used to live in San Francisco and that I saw you frequently on Clement Street shaking hands. By the way, this was not during an election period; this was just on a Saturday morning.

MARKS: I still do it.

SENEY: You still do it, even though you're not going to run again.

MARKS: That's right.

SENEY: Why do you do it now?

MARKS: I just think it's my job to represent people, to try to do what I possibly can to be their representative, do what I can to be helpful.

SENEY: Well, you wouldn't likely see these people if you didn't do this, would you? They wouldn't come to your office.

MARKS: Not too many.

SENEY: Do they talk to you much?

MARKS: A lot of people carry an envelope in their pocket and they say, "My god,

it's something I've been carrying for twenty years," and they take out a letter that I wrote them twenty years ago. They hand it to me and say, "I've never forgotten it."

SENEY: You know, the Richmond district has changed considerably since you've been campaigning there. It's really heavily Asian and Chinese.

MARKS: I don't have it anymore.

SENEY: Oh, it's not part of your district?

MARKS: Kopp's district.

SENEY: That's right, it is now, isn't it? And it has been Kopp's district since--?

MARKS: Since the last reapportionment. Since '92.

SENEY: Since '92. Thinking back though before then, you saw a change from primarily a mix but largely Jewish Richmond district.

MARKS: Heavily Jewish.

SENEY: Right. To one that was largely Asian. How did that affect the way you campaigned?

MARKS: No, I campaigned in the same way. I just went and rang a doorbell. I didn't necessarily know who was at the door. I just rang the doorbell. A Black face or an Asian face or a Jewish face or whatever, I would just greet them.

SENEY: I guess I'm thinking that the Asian immigrants, many of them from Hong Kong and some from mainland China, and I guess more now from

mainland China, would not really be accustomed to having an elected official coming around and saying, "Hi, what can I do for you?"

MARKS: They wouldn't.

SENEY: Did it take them a while to get used to the idea you really meant it?

MARKS: Sure. Yeah, they did, but they all began to like me. I'm very impressed by the fact I have very few enemies. I probably do have some enemies but very few.

SENEY: In the Mendelsohn race you did very well against a very tough opponent in a very difficult race obviously, but 1980 turns out to be quite another matter, because in that case--

MARKS: Who'd I run against?

SENEY: You ran against yourself, Senator.

MARKS: Oh, yes.

SENEY: You had a very tough opponent in that election. Actually, there was a man on the ballot named Eric Garis, and I'm not sure what party he ran in but he got 21,162 votes and you received 123,909. You managed to get both the Republican and the Democratic nomination there following a write-in campaign. How did you do that? First of all, what -- I don't know if I want to say what possessed you -- what inspired you to do this?

MARKS: I just felt there were no Democrat running against me -- I don't think any Democrat had filed against me -- and therefore, I felt that I could win both

nominations if I put on a good strong write-in campaign. A write-in campaign is very difficult.

SENEY: Yes, it is.

MARKS: To get enough signatures is very hard. I put on a full campaign for Democrats.

SENEY: How did you do that?

MARKS: I hired a campaign manager and we put on a campaign, a campaign to get people to sign up for me and join me and a lot of Democrats did support me and I won it, but not by much.

SENEY: You mean the Democratic primary.

MARKS: Yeah -- not by much.

SENEY: I don't have the numbers but you did appear as the nominee of both parties in the election.

MARKS: Right, right. That's very rare.

SENEY: It is very rare, isn't it, since the days of cross-filing had been done away with

MARKS: Very rare.

SENEY: Did you get any heat from the Democratic Party?

MARKS: No.

SENEY: Now, as the Democratic nominee, you actually had the right, did you not, to name members to the County Central Committee?

- MARKS: I don't think I did that. I think I turned it over to the Democratic County Committee to name them.
- SENEY: But you could have.
- MARKS: I could have, but I didn't.
- SENEY: Why didn't you?
- MARKS: I felt that I was a Democrat but only by sufferance.
- SENEY: And you weren't in the mood to make mischief for them.
- MARKS: No.
- SENEY: By appointing someone who might cause them problems.
- MARKS: No.
- SENEY: Were you tempted at all?
- MARKS: No.
- SENEY: You know, I guess I would think that here you had had a tough '76 race against Mendelsohn where the Democrats, the Burton people and so forth had come out against you and in '72 you'd had a hard race as well, and again, the Burton people of course were very anxious to control the Democratic County Central Committee. That's an important thing to control. I guess I might be tempted to make mischief.
- MARKS: No, I just felt it would cause more problems than it would do good for me, so I didn't do it.
- SENEY: That must have been a very pleasing election, I would think.

MARKS: It was. It was lovely.

SENEY: You're smiling now. You have a big smile on your face and the tape won't see that.

MARKS: I appreciated it very much.

SENEY: Did that kind of make you feel better after the '76 and the '75 races to win fully?

MARKS: Oh, sure. It indicated that the people who were not really annoyed at me.

SENEY: I guess I'm getting ahead here. Were your feelings pretty hurt after the '75 election for mayor?

MARKS: I was hurt.

SENEY: Did you take that personally a little bit?

MARKS: A little bit.

SENEY: And then in '76, being such a tight race, did that hurt, again, a little bit?

MARKS: Yes. That was a tough race.

SENEY: And you won by 5,000, as you said, and that's not a large number. I mean, it's a win.

MARKS: It's a win.

SENEY: But it would be hard for a guy not to take that personally, I would think.

MARKS: Right. I did. I did it without any newspapers. Without the newspapers at all.

SENEY: In '76.

MARKS: Right.

SENEY: Now, in '80, did you have the newspapers?

MARKS: Right.

SENEY: Now, instead of going to '84, let's talk about the congressional race in '82 when you ran against Phil Burton. You sort of got a smile on your face but--

MARKS: I'm not so sure it's not a grimace.

SENEY: It's a grimace. You know, before we talk, how do you feel about that race now?

MARKS: I think it was foolish for me to run. I look back upon it now and I think it was foolish for me, on reflection, going back. Had I won, I undoubtedly would have been a Republican in a Democratic Congress, very ineffective, and I probably would have had a very tough campaign of getting reelected. I really think it was foolish for me to run. But I do think that I was ahead when it first started.

SENEY: What about the family aspect of it and taking your family to Washington, D.C.?

MARKS: My wife wasn't enthusiastic about my running for Congress. In fact, she wasn't enthusiastic at all.

SENEY: Did you do it kind of despite her?

MARKS: No, I just did it anyway.

SENEY: I don't mean to spite her, but kind of despite her reluctance you went ahead.

MARKS: She was in the hospital part of the time when I ran, when I announced, and I'm not sure I consulted her.

SENEY: Tell me about how it came about that you ran for Congress. Who approached you?

MARKS: I think my campaign manager approached me. I'd have to go back and it's sort of hard for me to remember. I don't think the Republicans as a group were actively for me. That's one of my greatest problems. They were not actually for me because of my battles with Reagan over the years and he was then the President of the United States, and I'm not so sure that they were for me. So therefore, I'm really not sure whether the Republicans came to me or whether I decided to do it on my own.

SENEY: Well, you know, Burton of course had -- well, was kind of high on the Republican "hit list" because of--

MARKS: Reapportionment.

SENEY: --the reapportionment of the House of Representative seats in California.

MARKS: Right.

SENEY: This was the first time in many years that the reapportionment was regarded as a highly partisan one. That is, that the new seats were added to the congressional delegation of California because of population

growth. Usually those seats would have been split pretty evenly. Incumbents would have been protected. Those seats would have been kind of split between the Republicans and the Democrats but Burton didn't do that this time, did he?

MARKS: No, he did not.

SENEY: He put those all in the Democratic column and even engineered the defeat of one or two Republicans, including Mr. [Congressman John H.] Rousselot. You know, as we both know, as we were chatting before we began to talk on the tape today, you've read Mr. [John] Jacob's book on Burton¹ and he indicates in there that John Rousselot was active in trying to find a candidate. Do you remember talking to him about this?

MARKS: I know John Rousselot. I may have talked to him about it but I don't think I did, because it's hard for me to remember. I would occasionally go back to Washington and I would occasionally see him and see other Republicans and one or two Democrats, but I'm not sure whether I did or did not approach him. The book says Rousselot was active in it; I really don't recall that.

SENEY: And he mentions a couple of other names, that slip my mind for the moment, who were also active Republicans. Slevin was one of them.

¹ John Jacobs, A Rage for Justice: The Passion and Politics of Philip Burton. University of California Press (Berkeley). 1995.

MARKS: Slevin was my campaign manager.

SENEY: Is it Donald Slevin?

MARKS: No. Ed Slevin.

SENEY: You don't recall him approaching you about this or bringing it up?

MARKS: No, I don't remember that.

SENEY: Do you think any of your decision had to do with your annoyance over having the Burtons oppose you at every one of these elections?

MARKS: Probably. It probably had something to do with it, although I had gotten along with him fairly well, except in the reapportionment.

SENEY: Now, of course, one of the things that made it look as though Burton was vulnerable was what he had done to himself in reapportionment.

MARKS: He was really stupid.

SENEY: Talk about that a minute.

MARKS: Well, I mean, he gave a lot of votes away to John Burton to try to help him, and I think he was foolish in trying to -- he weakened his district, which he did do.

SENEY: And you also did some polling to begin with.

MARKS: The polls showed me ahead.

SENEY: Now, this was polling -- the original polling was done--

[Begin Tape 9, Side A]

SENEY: Senator, let me just briefly repeat what I was saying when the tape ran out, and that is that the polling in the congressional district had indicated that Burton was weak in what was this new district.

MARKS: Right.

SENEY: And that this was done, if I recollect correctly, by the Wirthen Group¹, which was Mr. Reagan's pollsters, and I guess my question is, had the Republican Party looked first at the district, do you think, to see if Burton was vulnerable.

MARKS: I really don't know. I felt that the most annoying factor of the whole campaign was the lack of effort being made by the Republicans nationally to help me. There was little or no effort being made. They kept on making promises to me. Ed Rollins made a promise to me they were going to raise money. A number of other people made promises they were going to raise money, but they didn't.

SENEY: What kind of money were they talking about? Do you remember figures?

MARKS: A couple hundred thousand dollars they were going to raise for me, and they didn't.

SENEY: Because you're talking about a campaign which, I mean, probably half a million dollars is a minimum, isn't it?

MARKS: Right, right.

¹ The polling reports can be found in Senator Mark's personal papers.

- SENEY: And the more the better under these circumstances.
- MARKS: Right.
- SENEY: You know, one of the things that was pretty clear in this campaign -- or in this polling information was that people did not have a very positive view of Phil Burton.
- MARKS: No, they didn't.
- SENEY: That his negatives were very high in this district.
- MARKS: Very high.
- SENEY: And that once you began to poll, where your name was put in and his name was put in, your positives were very high and your negatives were very low.
- MARKS: That's right.
- SENEY: That must have obviously made it look to you like this was very much doable.
- MARKS: I thought it was doable at the beginning. I really did. I still think it was, at the beginning.
- SENEY: Do you remember at what point you made the decision? Had you seen the polling data that discussed his negatives and your positives before you made your decision? Or had you made your decision, then the polling was done? Do you remember?
- MARKS: I think I had made the decision, but the polling and the decision made

were made at roughly the same time.

SENEY: And I take it that if the polling had not gone the way you thought it should have you would have backed away from it.

MARKS: Probably.

SENEY: You know, in terms of the fundraising thing, one of the things that Mr. Jacobs makes a point of is that to the extent that you got Republican funds, you got them in such a way that was not helpful to you. You sent out a letter, for example. Do you remember that letter?

MARKS: A stupid letter.

SENEY: I guess it was, wasn't it? Very out of character for you politically.

MARKS: It was.

SENEY: Where you really came off sounding -- if you'll forgive me for saying this -- kind of like a Reagan Republican.

MARKS: That's right, I did.

SENEY: Where you had written to business interests saying that you would support essentially quite a conservative pro-business agenda.

MARKS: Right.

SENEY: Which really has never been your agenda, has it?

MARKS: That's true.

SENEY: Do you remember how that letter came about? Who was responsible for that?

- MARKS: I think Ed Slevin was responsible for it. Ed Slevin, the campaign manager, was responsible for it. I don't think I saw it until after it went out.
- SENEY: That's not something you would have approved of if you had seen it.
- MARKS: No. No, I wouldn't have.
- SENEY: And that caused you considerable problems, did it not?
- MARKS: It did -- politically.
- SENEY: I mean, the Burton campaign got ahold of that and made considerable hay out of it.
- MARKS: They sure did.
- SENEY: And a lot of their campaigning raised questions about, essentially, what are you doing here?
- MARKS: Right.
- SENEY: I mean, we know Milton Marks, he's a nice guy; what's he doing here? This doesn't look right, it doesn't smell right. Did you begin to feel like this was a completely different campaign from any you'd ever been in before?
- MARKS: I did. First, because I was very disturbed with the Republican national administration not helping me. They kept on talking about it but they didn't do a damn thing. They didn't do anything. They wrote a few letters, a handful of letters to business people that I got some help from

them, but nothing of any significant number. Then I had a meeting in Washington, D.C. where [Secretary of the Interior, James] Watt showed up, much to my surprise and annoyance.

SENEY: And of course, there were local -- that is, San Francisco -- reporters at that fundraiser, weren't there?

MARKS: Right, right.

SENEY: That hurt you.

MARKS: Sure it did.

SENEY: I mean, Watt was considered to be kind of the devil incarnate.

MARKS: I wasn't for him anyway.

SENEY: How do you explain -- or can you explain -- what the Republicans were doing here in terms of encouraging you to run and then not supporting you.

MARKS: I think they deep down would have liked Burton to be defeated and therefore they were somewhat interested, but they were not willing to help me. They would have liked to have had someone, a Republican, beat him, but they were not particularly helpful to me.

SENEY: Well frankly, was there another Republican who could have beat him besides you?

MARKS: No.

SENEY: I mean, whether they liked you or not, you were the best candidate.

MARKS: I was the best candidate.

SENEY: You know, if you had gone to the House of Representatives, another thing that would have happened would have been that your Republican Senate seat would have become probably a Democratic Senate seat, wouldn't it?

MARKS: Probably.

SENEY: Did you get any heat from your colleagues here in the Senate on the Republican side about that?

MARKS: No. No, I didn't.

SENEY: They didn't say, "You're going to short us one"?

MARKS: No. I didn't get much help from them either.

SENEY: Would that be something that, say, the Republicans in the Senate and/or in the Assembly maybe would help a colleague with, that is a congressional race?

MARKS: Sure they would.

SENEY: Raise money for you?

MARKS: Yes.

SENEY: Endorse you?

MARKS: Right.

SENEY: That happens all the time, I take it.

MARKS: Sure it does.

SENEY: But not in your case.

- MARKS: They didn't like me. I was a Republican but only in name, as far as they were concerned, although during the campaign it did look like I was very Republican.
- SENEY: In the campaign.
- MARKS: Yeah.
- SENEY: I mean, that's the most Republican you've ever looked, isn't it?
- MARKS: Right.
- SENEY: Forgive me for saying this, but you're not exactly a straight party man as far as the Republicans are concerned in this case.
- MARKS: No, I'm not.
- SENEY: It seems odd to me, and I'm trying to wonder about what they were thinking and maybe if you can provide some insight into what they were thinking here -- clearly, you were the only, like you or not, as a straight party guy you were the only Republican who could have beat him on San Francisco.
- MARKS: The word had got out that I had a lot of money, that a lot of money had come into my campaign. Therefore, I think a lot of them just took it for granted. Burton kept on spreading the fact, I had hundreds of thousands of dollars from the Reagan machine and I didn't. I didn't.
- SENEY: Do you think the other Republicans might have heard this and kept their checkbooks buttoned as a result?

MARKS: Probably.

SENEY: So you had the worst of both possible worlds.

MARKS: I had the worst of both possible worlds. I didn't have the money; I didn't have the effort.

SENEY: And yet, you were burdened with the accusations.

MARKS: That's right.

SENEY: You know, in the campaign materials, and the stuff that you loaned me is absolutely wonderful -- it's really quite a collection. I mean, not only is your stuff there but frequently a lot of the other stuff. Mendelsohn or Pelosi, Newsom, whoever you happened to run against is there. I guess not Pelosi but Newsom and so forth. One of the things that I noticed is that you really never indulged in any negative campaign particularly until this race.

MARKS: It became very partisan.

SENEY: And then you put some billboards up that showed Phil Burton in an unflattering pose and signs that "I'm for me."

MARKS: I remember them. Billboards didn't bother me as much as the other Republican stuff.

SENEY: What do you mean by that?

MARKS: The billboards I thought was pretty good. For me it was a pretty good slogan.

SENEY: They were kind of funny. They had a sense of humor about them. But what was the Republican stuff? That I didn't find in your files.

MARKS: The PAC letter was very bad and the indication that I would do a lot of Republican voting was very bad. It was contrary to my positions.

SENEY: In this race, of course, you lost your usual labor support.

MARKS: Labor was terrible to me. Absolutely awful. I mean, I kept on saying to them, "You've supported me for years, I've got the best labor record of anybody in the Legislature -- anybody, any Republican in the Legislature - - and yet, you're terrible to me." "Well, but Burton's a bigger friend."

SENEY: And they didn't budge off Burton.

MARKS: They didn't budge off at all.

SENEY: Did any of them come to you when maybe there were rumors that you were going to run before you announced and then urged you not to do that?

MARKS: No.

SENEY: Mr. Jacobs does say that Burton caused people to put things under your door, indicating--

MARKS: I read that. I don't remember that.

SENEY: You don't remember that, them trying to scare you off?

MARKS: Maybe I do remember it, but I was determined to win. Once I get in a race I'm determined to win.

SENEY: Well, certainly Phil Burton was a fascinating political personality and you gave him the scare of his life, there's no question about that. And made him come out here and work hard.

MARKS: I made him healthier instead of sicker. He didn't drink at all during the campaign.

SENEY: Apparently that's so, right, that he had to moderate his drinking.

MARKS: I made him eat and drink the right stuff.

SENEY: Well, one of the things that you made an issue in the campaign was that he didn't really have a permanent residence in the district.

MARKS: He claimed [he lived] in his mother's house, on Sunset Boulevard. A little typical Sunset Boulevard house which he couldn't possibly get into.

SENEY: And he actually would have a suite at the Sir Francis Drake when he would come out from time to time--

MARKS: Right.

SENEY: --and had really lost touch with his district.

MARKS: That's right.

SENEY: When did it become clear to you that this was not going to be a winner for you?

MARKS: I'm not sure it was clear to me ever -- probably 'til the thing was over. On reflection, it should have been -- I'd already received the Sierra Club endorsement up until that time and when he had his picture on the cover of

the *Sierra Club Bulletin*, that was terrible. And also, I had received the Police Officers Association endorsement for years and when he got it, I thought that was terrible. I think, on reflection, that those should have been very important to me but I didn't think about it at the time.

SENEY: Well, he also got the gay community behind him.

MARKS: Which is also ridiculous because he opposed the only gay candidate they ever had, whom I supported. I was extremely close to Harvey Milk. He was not.

SENEY: Were you close to Harry Britt, the man who succeeded Harvey Milk?

MARKS: I was fairly close but not quite as close.

SENEY: This was, according again to the Jacob's book, and as you said, again before we taped this, you thought that was pretty accurate what you read in there; you didn't have any real quarrel with what he had to say.

MARKS: No.

SENEY: Although, we should say here he never talked to you, he never came and interviewed you--

MARKS: Never.

SENEY: --or anyone that you know of on your side. No one ever mentioned that to you.

MARKS: I didn't even know about the book.

SENEY: But he had, according to the book, he [Burton] had not really made any

approaches to the gay community until this election.

MARKS: None whatsoever. His power had nothing to do with the gay community, absolutely nothing. I did.

SENEY: Is it fair to say that kind of stunned you when you saw that he had been able to get the Sierra Club and the Police Officers and the gays?

MARKS: I was annoyed about it.

SENEY: I expect what they were doing was putting their cards on the table on the side of someone who was very powerful in the Congress, which he clearly was.

Did you ever deal with him, by the way, on legislative matters in the Congress?

MARKS: In Congress?

SENEY: Yeah. Something that was of interest to California.

MARKS: Not too much. Occasionally, but not too much. I got along with him fairly well, until that time I ran against him.

SENEY: You know, he died within six months after that, and you know and I know that there were people who felt that that campaign kind of contributed to that.

MARKS: I kept on saying, "I made him live longer. He would have died beforehand."

SENEY: Well, he clearly was a man who dissipated himself and did not concern

himself about his health.

MARKS: None whatsoever.

SENEY: And I take it you would feel -- and I'm raising that here because others have said it and I want to give you a chance to comment on it -- that you had obviously regarded that as a bum rap and sour grapes.

MARKS: I think it was a terrible rap -- disgraceful rap.

SENEY: You know, one of the things that I found in your files, after the campaign was over -- it was over in November of '82 and the letters I found were dated in February of '83 and they were letters from you to the Republican Central Committee and attached to these letters were bills from a van service, from a printer, bills that they should have paid, you thought, and that you were forwarding to them to pay that were associated with the campaign. I raise this because I want to talk to you a little bit about the headaches that you had over the campaign debt that you accumulated, because as you say, far from the Republicans opening their purses to you, they did not, and you and Mrs. Marks ended up loaning the campaign, Jacobs says, \$300,000. Does he have that right? Is that the right amount?

MARKS: I don't know exactly what it was; it was pretty high.

SENEY: But you wouldn't quarrel with that figure of \$300,000?

MARKS: I really don't remember but it was a lot of money.

SENEY: It was a lot of money, wasn't it? And I found in there also letters that you

sent out to people, who had obviously contributed to your earlier campaigns, asking for help in retiring that debt. And the Republicans never helped you with that.

MARKS: They didn't. It's one of the reasons I became a Democrat. Not by no means the only reason but it was one of the reasons. A lack of interest on the part of the Republican Party.

Incidentally, when I lost the election I never received a word of anything from Reagan. Nothing; nothing at all.

SENEY: No phone call saying, "We're sorry"?

MARKS: Nothing.

SENEY: "Thanks, Milton, for putting on the show"?

MARKS: Not a word. Not a line.

SENEY: You know, I have heard rumors that you were offered -- or promised, say, a judgeship, if this did not work out, for being a good soldier here and for taking on Burton.

MARKS: That was a lie.

SENEY: Nothing to that at all.

MARKS: Absolutely none.

SENEY: You know that's been said.

MARKS: It was said by the Burton people.

SENEY: So it was more of their attempt to kind of besmirch you then on this sort of

thing.

MARKS: That's right.

SENEY: Did you find it annoying that you got no calls from Reagan or Meese or anyone about this?

MARKS: Sure. I found it annoying but not surprising, because I'm sure I was not exactly their favorite at any time, but I thought I would have been in this race.

SENEY: If Burton had not had to run against you, he would have been busy raising money for other Democrats and helping to encourage other Democrats and support other Democrats to run. That apparently is what he usually did at campaign time because he was still interested in a leadership position for himself in the House of Representatives and, of course, that would have encouraged loyalty through doing this. Do you think that what the Republicans were trying to do was just distract him from that?

MARKS: I think to some extent they were, but they were doing it in a ridiculous way because they weren't helping me. They were claiming they were helping me. He was insisting they were helping me and they weren't.

SENEY: You know, I guess I'm still asking you to speculate -- I don't know if we've ever come to any final truth on this -- but the Republicans generally run campaigns better than that, don't they?

MARKS: Sure they do. I would have thought they would have put in hundreds of

thousands of dollars that would have gotten it for me.

SENEY: Right, exactly. So it's hard to know what was going on in their minds.
You never got a real sense that this was just a sideshow to distract him?

MARKS: Not a word.

SENEY: Nothing.

MARKS: I'd go back to Washington occasionally, see Ed Rollins, who was very close to Reagan at the time. He'd tell me they would raise money. They never did; never.

SENEY: Big slaps on the back, good job, keep up the good work?

MARKS: Never.

SENEY: But encouraging you all the while.

MARKS: Yeah, but not a lot of help.

SENEY: When you sent out the letters appealing to your supporters for help on this debt, was that very successful?

MARKS: I got some help.

SENEY: I take it, it was an uphill battle.

MARKS: It was very tough. A lot of Republicans who came out for Burton.

SENEY: So your sources of funds had really dried up so far as that campaign was concerned.

MARKS: That's right, very dry.

SENEY: Now, that debt continued to plague you, and we'll talk later about you

becoming a Democrat when there's some discussion about -- what factor that debt played in it, but you were going to run for the Senate again in '84, just two years from this. Was that fundraising effort different? Did you appeal to people for funds for reelection and the money would, as it always had, come -- I don't know if it came pouring in .

MARKS: It poured, yeah.

SENEY: But when you appealed to retire the congressional debt it didn't.

MARKS: No.

SENEY: Does that make sense to you?

MARKS: No, it doesn't. It doesn't make sense. I think I was just a dummy to run. I was put in the position where I decided I was going to carry the battle. I was still a Republican then and I was going to try to carry the battle as a Republican, try to win the battle, the seat, and the Republicans didn't help me.

SENEY: And I take it, if you think about your political career, you would probably regard this as the biggest mistake you made.

MARKS: I think it was the biggest mistake.

SENEY: Do you think it's the only one you made?

MARKS: It's basically the only one I made. I lost the support of Willie Brown and a lot of other people who had been with me for years. They're now for me, very much for me.

SENEY: But it took a while to get them back, did it?

MARKS: That's right.

SENEY: Well, there was a letter from one of the labor unions for the '84 campaign when you had appealed to them for support and it's says, in effect, "listen, we remember what you did in '82 and we're not going to support you in '84 because you ran against Phil Burton in '82 and we don't forgive you for that, we remember these things." Did you get quite a bit of that in '84?

MARKS: I got some. Not too much.

SENEY: You were kind of maybe fortunate, in a way though, in '84 in terms of the opposition that you had -- Lia Belli.

MARKS: Lia Belli ran a very stupid campaign. She lied very much. She lied about her educational accomplishments and we were able to disclose that.

SENEY: How'd you find that out, do you remember?

MARKS: I'm not going to tell you. That's one thing I will not put in for the files.

SENEY: C'mon, Senator. Now's the time to tell all.

MARKS: No, I won't.

SENEY: Let me ask you a couple of questions. If you won't answer them, that's okay; but I'm duty-bound to ask some questions.

MARKS: All right, ask me.

SENEY: Did this come from someone within her campaign?

MARKS: No.

SENEY: It did not.

MARKS: No.

SENEY: Did it come from the Democratic side?

MARKS: No.

SENEY: Okay. Well, I'm out of questions and you're obviously not going to tell me.

MARKS: No, I'm not because it came from a person who somehow or other found out and I won't disclose it. I wouldn't do it without asking the person's permission.

SENEY: Sure, I understand that. I guess what I'm getting at is, was this a person who was regularly a supporter of yours or might have been a supporter of hers? What do you think maybe motivated the person to give you the information?

MARKS: I really don't recall, but it was given to me.

SENEY: That was like manna from heaven, wasn't it?

MARKS: It was; it was wonderful.

SENEY: Now, of course, here you have this excellent information and then it's always a question of how do you use it, where do you insert it. Do you remember what you did with it once you had it?

MARKS: I think the person sent it to the newspapers. I think. I'm not sure.

SENEY: Well, it went to the *Marin Independent Journal*.

MARKS: I think they did.

SENEY: I think they were the first ones to write an article. Am I right? It's the *Marin Independent Journal*¹?

MARKS: Yes. And then it just spread all over the papers. I walloped her.

SENEY: Again, I'm curious about this because this -- you get a phone call and says, "Geez, I got something great here, you won't believe this. I'm looking at her campaign biography and she really doesn't have a master's degree from Occidental." Did you say, "Really? Well, don't give it to me, give it to the press"? Did you provide any encouragement or direction, do you remember?

MARKS: It's hard for me to remember exactly how it occurred. Now I really cannot remember the name of the person who gave it to me, but I still wouldn't give it to you if I knew it.

SENEY: That's okay, I appreciate you've got to keep confidences.

MARKS: When the information was given to me, I think I probably said to give it to the newspapers.

SENEY: And the *Independent Journal* did a very thorough investigation of this.

MARKS: Right.

SENEY: I mean, they really called Occidental College?

MARKS: That's right.

¹ September 18, 1984, p.A8. See also San Francisco Business Journal September 24, 1984 p.1.

SENEY: Checked with the registrar, checked with the -- apparently, it was an urban affairs degree -- and checked with the relevant faculty members.

MARKS: Right, right.

SENEY: The issue was whether or not she had completed her thesis and their records indicated that she hadn't.

MARKS: That's right.

SENEY: Now, she also claimed to have a *cum laude* degree.

MARKS: Which she didn't have.

SENEY: Well, she had the degree but not with honors.

MARKS: Is that what it was?

SENEY: Yeah, that's what it was, which was probably just as bad as not having a degree. Of course, the press, as the press is wont to do, begins to pick apart her resume.

MARKS: It was very good. I must say, I really enjoyed it.

SENEY: And you're smiling again, and I hope the recorder can hear the chuckles that are coming here.

You know, as the campaign unfolds, I suppose one of the joys of a campaign and one of the thrills is that every day is different and you can have these kind of things happen that changes everything and works to your advantage. Let me ask you, did you feel, after the defeat in 1982, that you were kind of vulnerable in '84, that this might be a tough

campaign?

MARKS: I really didn't know because I had no idea how annoyed the Democrats were.

SENEY: Well, did you think, to begin with, that Lia Belli was going to be a tough opponent?

MARKS: I thought she had a lot of money, which she did. She got a lot of money from her then-husband.

SENEY: Right. Melvin Belli, the famous attorney.

MARKS: Hundreds of thousands of dollars, he gave to her.

SENEY: And she did have some legitimate credentials. She had been the president of the California Democratic Council.

MARKS: That's right.

SENEY: And had been active in fundraising for other Democrats. I mean, she wasn't totally bogus.

MARKS: No, she wasn't bogus.

SENEY: When this business came out about this inflated resume, she said, well, she took the responsibility but not the blame for it. Whatever that may mean.

MARKS: Nothing.

SENEY: And once it came out she handled it very badly, didn't she?

MARKS: She did very poorly.

SENEY: She blamed it on her staff, that these were staff errors.

MARKS: It was terrible. It got worse and worse.

SENEY: Well, she really began to look pretty foolish. Then there was the question of -- one of the issues raised in this campaign, and one of the things we should say about this campaign is for the first time after the '80 reapportionment, '82, whenever it came into effect -- the reapportionment coincidental was the '80 census -- you now have Marin County for the first time.

Maybe we should back up a little and talk about that reapportionment. Do you remember when it became clear to you that you were going to get some of Marin County and you were going to lose some of San Francisco?

MARKS: I think it was during the reapportionment process. I'm not quite sure what period of the process it was, but as the lines were being developed I became aware of it.

SENEY: We talked about the 1960 reapportionment when you were in the Assembly. You did very well. You voted with the Democrats in that one. Now, when it had to be done in '65, of course you lost your seat essentially.

MARKS: Right. Became a judge.

SENEY: Right. Now, in the 1970 reapportionment, there was really no change in your senatorial district at all because it had been done so recently in '65 that it didn't need to be changed. Then when we get up to '80, you're

again still a Republican in a Democratically-dominated legislature with a Democratic governor, Jerry Brown. Did they give you a hard time, or were they pretty good to you?

MARKS: No, they were pretty good.

SENEY: Do you remember meeting -- was it Senator [Robert B.] Presley who was chairman of that committee that time around?

MARKS: I think he was.

SENEY: Do you remember meeting with the reapportionment people to discuss your district?

MARKS: At different times I did. All during the process we'd go down and look at maps and some discussion would be had, but it was pretty well -- not to be decided by me, it was going to be decided by them.

SENEY: Right. But as you saw your district moving partially up into Marin County, were you concerned about that?

MARKS: Only the fact that it was new, brand new. I'd never run there so I didn't know how I would do there.

SENEY: And you were losing some of your reliable areas.

MARKS: Right.

SENEY: Well, there was, in the files I found, a campaign plan from a consulting firm on the '84 election talking about what you needed to do in Marin County now that you had this new district. So, I mean, obviously this is

coming into your equation here.

MARKS: Right, right.

SENEY: One of the things that was used against you was the allegation that you had voted in favor of legislation that had to do with timber, first of all.

MARKS: That was ridiculous.

SENEY: Well, the allegation was that for a period of time the county could decide about timber questions, timber removal. Then you were accused of supporting legislation that took that away from the county and gave it to the state. Was there any merit in that?

MARKS: No, there was no merit in it at all. There was a -- I'm trying to recall the details of the legislation I did put in¹ -- or I supported.

SENEY: Let me turn this over, Senator.

[Begin Tape 9, Side B]

MARKS: I don't recall the details of the legislation I supported. It did not do what the newspaper, or whoever it was that attacked me, claimed it did. It was just the opposite.

SENEY: I bring this up because it was one of the few issues that was used against you in Marin County.

MARKS: That's right.

¹ S.B. 2335 1983-84 Reg. Sess., (1984).

- SENEY: I mean, Marin County didn't seem to be much of a problem. I mean, this was the only one that was used, and I bring it up for two reasons. One, it was one of the few issues; and two, it led to another blunder by Lia Belli, and that is, she had a letter that had been signed by a man named Schiller who had been--
- MARKS: Oh yeah.
- SENEY: Remember that?
- MARKS: I remember Schiller was for her and she had written a letter where she claimed that he'd endorsed her, which he hadn't. And he wrote a letter claiming that he was going to withdraw his support. He was still going to vote for her but that she had done the wrong thing, and he sent it to the newspaper. He since has supported me.
- SENEY: Well, it was interesting because, again, in these wonderful files you've given me, here is this piece in question.
- MARKS: Right. I'd forgotten about that.
- SENEY: Do you remember that it was more than just a statement? It was a handwritten letter that looked like it was written in his hand and signed by him.
- MARKS: It was signed by him.
- SENEY: And apparently he had some second thoughts. He's a specialist in water and not in timber questions and he had some second thoughts and told her

don't send it out but she sent it out anyway and again blamed her staff for this.

MARKS: She acted very stupidly all during the campaign.

SENEY: This came in October, after this business of her questionable degrees and so forth had been brought out. And then there was the question, if you remember, she claimed to have gotten a Fulbright Scholarship.

MARKS: Oh yes. We investigated that too.

SENEY: Did you look into that?

MARKS: Yes.

SENEY: Again, did you put the press onto the contradictions? You must have, I would think.

MARKS: I think the later ones we did.

SENEY: When you got the call from the person that you claim not to remember, and in any case won't name for me, did they tell you about the Fulbright business too or just about the master's degree?

MARKS: I don't think the Fulbright business was told about until later on.

SENEY: It just came up later. I mean, here she had the nonexistent master's degree, no real honor's degree, and now it doesn't look like she had a Fulbright. Then there was a question about whether or not the White House experience that she claimed had occurred.

MARKS: We also looked into that too. I'd forgotten about that.

- SENEY: And that didn't look right either, did it?
- MARKS: No, that didn't look right either. We investigated that too. It wasn't true.
- SENEY: And so by the time the Schiller letter comes, all these other matters have been exposed--
- MARKS: Right.
- SENEY: --and the cumulative effect must have been great.
- MARKS: I devastated her in the campaign.
- SENEY: Yeah, you did. Let me look at the figures here for that race. You got 68 percent. You beat her 2 to 1. She got 27 percent.
- MARKS: And I was a Republican in those days.
- SENEY: Right. Well, I guess I would have thought, you know, coming off of that 1982 election, that if I had been you I would have been kind of concerned about '84. But again, your point is you didn't really know how angry the Democrats were.
- MARKS: I did not know what the reception was going to be.
- SENEY: And it doesn't look like they really mounted a strong campaign unless they thought she was going to be a formidable opponent.
- MARKS: I don't think so. I think they always wanted me to be a Democrat.
- SENEY: Well, you do change in 1986 to be a Democrat. Tell us about what went into that decision.
- MARKS: Well, I took a trip to Hawaii, to a convention, the Pacific Rim convention.

I went with [Senator Barry] Keene and several others -- [Senator David A.] Roberti, I think, a lot of others -- and they argued with me all the way over to Hawaii about changing parties.

SENEY: Was this a legislative convention?

MARKS: Legislative business convention, which I go to occasionally. I go about once a year. I didn't say anything to them, I just listened. They didn't promise me anything. It later came out that they did all kinds of things, but they never promised to me at all.

SENEY: Can you remember the kind of arguments that they made to you?

MARKS: Well, they said I had voted Democratic over the years, I'd never been a real Republican and I fought with Reagan and, therefore, I would be much happier with the Democratic Party and that they would love it. They kept on talking to me about it and I said, "Well, I'll think about it." And I did think about it.

SENEY: Let me stop you. At this point, the Democrats had, what, 25 members?

MARKS: Very few.

SENEY: In the Senate? Twenty-five in the Senate at this point? You became number 26.

MARKS: I think so.

SENEY: One short of what was needed to sustain a veto override.

MARKS: I think so.

- SENEY: What was in their thinking? I mean, they were absolutely right that you normally voted with them. Why do you think that they were so anxious to get you to switch at this point?
- MARKS: That one more person in their ranks would make a great change, and it did.
- SENEY: My understanding is that Mr. Roberti is a very bright man, and could be pretty persuasive?
- MARKS: I really don't know what made up my mind. I really don't recall what gave me the idea to do it. It seemed to be the thing to do at the time. There were claims that he offered me all kinds of money. He didn't at all.
- SENEY: There were, and that gets us back to this debt from the '82 election. One of the claims was that he was going to help you retire that debt. Was that discussed?
- MARKS: Not exactly. It was discussed in a way that he would make some telephone calls to try to help me reduce the debt, but there was no promise that he would give me any money at all -- no promise at all that he would get money for me.
- SENEY: Let me say, Senator, I would not be shocked if such discussions went on, and if I were Mr. Roberti and I'm talking to you, I'm going to say, "You know, we know you've got that debt and we can help you out with that."
- MARKS: No. He didn't.

SENEY: None of that.

MARKS: No.

SENEY: See, I wouldn't find that unusual or shocking or off-putting.

MARKS: He didn't.

SENEY: Did he end up making those calls for you?

MARKS: He made some calls.

SENEY: Was that helpful?

MARKS: Somewhat, but not completely. I had to raise an awful lot of money myself.

SENEY: When was that debt finally off the books?

MARKS: Two or three years ago. A few years ago.

SENEY: So as late as '92, '93.

MARKS: Probably a little bit.

SENEY: There was still some left.

MARKS: A little bit left. It was a big debt.

SENEY: What a nuisance. And of course, you were paying interest on it so it kept growing.

MARKS: That's right.

SENEY: Well, you did become, as soon as you changed parties, you became Democratic caucus chair.

MARKS: I was as flabbergasted as anybody else was in that room. I had no idea

they were going to nominate me.

SENEY: Is that right?

MARKS: None at all -- at all -- not at all.

SENEY: You could understand why people might have a hard time believing that, Senator.

MARKS: But it is true.

SENEY: I believe you.

MARKS: I had no idea that they were going to do this at all until they did it. I had no idea. It seemed rather ridiculous that I would become the caucus chair having just been a Republican the day before.

SENEY: Well, you did say when you announced that you were going to change -- you had a press statement, and again, in your files there was a copy of this -- and you said in that statement, and I wish I would have brought it. In that press statement you said that you were looking forward to being a Democrat and even being part of the leadership, offering yourself up as part of the leadership, in that statement.

MARKS: I did not. So help me, I swear it. I cross my heart, anything you want, but I did not know at all that they were going to nominate me for that.

SENEY: Well, I believe you. I don't disbelieve you. But you know, the press accounts¹ of that switch took a little more cynical view of it, that this must

¹ San Francisco Examiner, January 9, 1986, p. B-7. San Francisco Bay Guardian, January 15, 1986, p.8. San Jose Mercury News, January 9, 1986, p. 1E.

have been an understanding that existed.

MARKS: There may have been an understanding by Democrats who were the Democratic leadership. They made have had it, but they never told me of it.

SENEY: This caused Roberti headaches, did it not?

MARKS: It did.

SENEY: Remember, [Senator John] Garamendi uses this to mount a challenge.

MARKS: Right, right. He didn't get very far. He got his own vote.

SENEY: Was that about it?

MARKS: That's about it.

SENEY: Mr. Garamendi now has an important job in the Clinton administration. He's the number two man in the Interior Department. Do you recall him as a senator?

MARKS: Yeah, I do. He sat right in front of me.

SENEY: What was he like as a senator?

MARKS: He was a pretty good leader. Got up quite a bit, spoke a lot.

SENEY: He had been caucus chair, had he not?

MARKS: Right.

SENEY: And he was succeeded by Senator Carpenter.

MARKS: Right, whose office you're in.

SENEY: Right, you mentioned that. Did you inherit this when you became caucus

chair?

MARKS: Yes.

SENEY: Is this a little more splendid than some of the other offices?

MARKS: It's pretty big.

SENEY: And this is an office that goes with a leadership position.

MARKS: Right.

SENEY: Although you're no longer caucus chair.

MARKS: Right.

SENEY: When was that change made?

MARKS: When [Senator Richard G.] Polanco was elected.

SENEY: And that was just this year.

MARKS: Last year.

SENEY: It was interesting, you know. Do you remember what Senator Richardson said when you became a Democrat.

MARKS: It's like getting rid of a hemorrhoid¹.

SENEY: Yes. Yes, he did say that. What did you think of that statement from him?

MARKS: It didn't surprise me. It was the kind of thing I would expect him to say.

SENEY: Did you chuckle? Did you think it was funny?

MARKS: Sure. It didn't make any difference to me because I was very glad to be a Democrat. I was very well-received.

¹ San Francisco Examiner, January 9, 1986., p. B-7.

SENEY: Well, you were, weren't you? I mean, you went from being essentially a -
- is pariah too strong a word? -- in the Republican side. Were you kind of
an outcast?

MARKS: Sure I was.

SENEY: You went from being an outcast to being a member of the leadership
really.

MARKS: Right.

SENEY: How is that different? What's different about that?

MARKS: Obviously, being a member of the leadership, it gives you an opportunity
to participate in the leadership decisions. That's important, particularly
when you are the leadership here. You're in charge of the house as against
being nothing when you're not in charge of the house.

SENEY: Well, this was the first time you'd ever been in a majority party, right?

MARKS: Right.

SENEY: What's it like when you would -- I take it, when talking about the
leadership you're talking about yourself and Mr. Roberti and whomever
the majority leader would have to be and you as caucus chair.

MARKS: Right.

SENEY: Who else would meet?

MARKS: There's just three of us.

SENEY: Just the three of you. What would those meetings be like?

- MARKS: We'd discuss plans that we were going to do, things we were going to do. Whenever the governor would have the State of the State message, the three of us would have press conferences right afterwards, in Roberti's room usually, where the three of us would talk about the State of the State Union message, and I felt I was an active part of the committees.
- SENEY: Pretty good feeling?
- MARKS: Yeah.
- SENEY: I would think so after being on the outside. Did your Democratic colleagues make you feel welcome?
- MARKS: Sure they did. Most of them.
- SENEY: You're smiling.
- MARKS: Oh, one or two of them were not too happy.
- SENEY: Would you be willing to say who they are?
- MARKS: No.
- SENEY: I know as a courtesy you fellas don't like to discuss one another.
- MARKS: No.
- SENEY: How did they make their displeasure known?
- MARKS: Oh, once in a while they would say that I should not have been elected as the chair. It didn't happen too long.
- SENEY: As you held the gavel as caucus chair, do you think you won them over, some of them?

MARKS: I think I did.

SENEY: How did you see that job in the way you should handle it as caucus chair?

MARKS: Well, one of my jobs was to try to raise money for them. I had a terrible job of going out and calling up people and trying to raise money from them.

SENEY: That's a terrible job, isn't it?

MARKS: It's a tough job.

SENEY: I take it, you're talking about people who are likely to be willing to give, people who are going to have business with the Legislature. We all know how this works. So you would call their political action committee people.

MARKS: Right, right.

SENEY: What would you say to them?

MARKS: I would say, "I'm the new caucus chair and one of my jobs is to try to preserve the Democratic leadership in the Senate and I'd like your help." Something like that.

SENEY: And would you usually succeed?

MARKS: Usually.

SENEY: In this triumvirate of Mr. Roberti as president pro tem and then as the majority leader and as caucus chair, he really selected you as caucus chair, did he not? Is that not one of his prerogatives as pro tem?

MARKS: He nominated me and the caucus voted upon it.

SENEY: Isn't his nomination tantamount to election? Isn't that the kind of way it works?

MARKS: It is. But they have to elect me.

SENEY: I would think, since he's the leader whom they have elected, the caucus has elected, that if he nominates you as caucus chair, he wants somebody he can work with, they're going to defer with his wishes. Is that kind of how it works?

MARKS: Yeah.

SENEY: What about for majority leader? Does it work pretty much the same way?

MARKS: The same way.

SENEY: So when the three of you would have these meetings, while I take it there would be a free discussion, when it came time to make the decision, if there were disagreement, it would be Mr. Roberti's voice that would prevail?

MARKS: That's true.

SENEY: And that's the way the leadership works, right? Somebody's got to be in charge.

MARKS: Right, right.

SENEY: How was it working with Mr. Roberti?

MARKS: I worked with him very well. I got to be very close, very friendly with

him and very close to him. Helpful.

SENEY: How would you describe him as a leader?

MARKS: He's entirely different than Lockyer. He's not quite as aggressive as Lockyer. Lockyer is much more aggressive.

SENEY: Partisan maybe?

MARKS: He runs up and down the state of California much more than Roberti did. He's more partisan.

SENEY: But doesn't the position call for that now, in a way?

MARKS: Yeah. But he's partisan in a sense but he's also nonpartisan in the way to manage the Legislature in a nonpartisan way. Roberti did not seem as aggressive as Lockyer did. This is not to take anything away from Roberti. Entirely different manner, different type of attitude.

SENEY: And yet, Mr. Roberti was probably more aggressive than Mr. Mills, would you say?

MARKS: Oh yeah.

SENEY: What was Mills like?

MARKS: I liked Mills. Mills was my seatmate in the Legislature. Of course, I was a Republican in those days so maybe I'm looking at it in a different viewpoint. I think a lot of Democrats felt he was not partisan enough.

SENEY: Isn't that why he was replaced?

MARKS: Probably.

SENEY: You know, one of the things I found in your files again was a lot of letters, when you switched, from Bob Matsui -- Congressman [Robert T.] Matsui, Congressman [Norman Y.] Mineta, Congressman William Grey, who's now moved on to other things -- he's no longer a member of the Congress -- welcoming you to the Democratic Party, and a lot of letters from constituents saying you're finally here where you should be and we're not surprised. And a very funny one from Rosie Riveter, this tap dancer. Do you remember that letter?

MARKS: No.

SENEY: That was very funny. Let me remind you what she said. She said that you -- in 1983 you had given her an award she had won for doing a long tap dance, in this letter she says, and then she kissed you on the cheek and that she'd never kissed a Republican before nor since. And now she's so happy that you're Democrat she can tell her mother that she kissed you because she could never tell her mother that she'd kissed a Republican.

MARKS: I do remember that.

SENEY: You're laughing and I am too, because it was one of many letters.

MARKS: I got very few letters who were in opposition to me. Very few.

SENEY: Well, there were a few critical ones. There were a few. Not very many. The bulk of them, and I take it all of them were saved because there were some critical ones so that probably all you got were saved. How did you

feel after that decision? That's what I'm getting at.

MARKS: I felt very good about it. I was concerned that I would be ostracized by the few people in the Republican Party who I liked, but I wasn't. I was very convinced, very pleased that the number of people who supported me, the number of people who are Democrats who came up to me and said they'd never voted for a Republican in their life and they sort of wished I had remained a Republican because they could always say they voted for a Republican.

SENEY: And now they couldn't say that anymore.

MARKS: They couldn't say it anymore. I remember a handful of Republican letters that were unfavorable to me. I wrote one letter to one man that I was very upset about because he was upset with me because I hadn't told him.

SENEY: Did you discuss this decision very widely with people?

MARKS: No, I did not.

SENEY: Did you talk to your staff about it?

MARKS: No.

SENEY: Were they surprised too by your decision?

MARKS: A little bit. They looked upon me as a Democrat anyway.

SENEY: I don't mean in that sense. I mean in the sense that they didn't know at this point you were going to make the switch.

MARKS: No.

- SENEY: This must have been something you discussed with Mrs. Marks.
- MARKS: I discussed it with her somewhat. I told her I was going to let her know -- I was going to tell her after I did it, and I did it before I told her.
- SENEY: You let it slip beforehand.
- MARKS: Yeah.
- SENEY: What did she say?
- MARKS: She was a little surprised. She got a lot of calls the same day. She had been a Democrat and become a Republican when I married her and then she was going to become a Democrat again. She didn't do it for six months afterwards.
- SENEY: But I take it you felt, from that very point, comfortable with the decision. You didn't have any trouble in it.
- MARKS: I felt very good.
- SENEY: And as you suggested a few minutes ago, when we were talking about the '82 race, that a lot of this decision had to do with the Republicans' behavior toward you in that race, do you think, in the aftermath of the debt business.
- MARKS: I think a lot of it had to do with the caucus. The caucus was terrible to me.
- SENEY: Here, you mean in the Senate.
- MARKS: The Republican caucus. There were a few Republicans who I like very much who were very friendly to me, but some of the Republicans in the

caucus were just terrible to me. Constantly critical of me and I would say, "Look, I would never be reelected if I didn't do what I do."

SENEY: My understanding is that in legislatures there is a kind of respect for what a member has to do to be reelected, and that is, if you have to vote a particular way.

MARKS: There is, but it wasn't to me.

SENEY: They didn't extend that to you.

MARKS: No.

SENEY: Was this because the Republican caucus was ideologically motivated, do you think, some of these members?

MARKS: They were ideologically motivated. I once got so annoyed at the Republicans in the Assembly that I moved all their bills off the consent calendar. Every bill that was over on the consent calendar in the Senate I took off the consent calendar.

SENEY: When you were?

MARKS: When I was a Republican. I was so damned annoyed at them that I took every Republican bill and took them off the consent calendar and put them on the third reading file.

SENEY: Because the consent calendar requires unanimous consent.

MARKS: That's right.

SENEY: And you were obviously going to object and you can do this.

MARKS: I objected so I took them all off. There were maybe 50 or 100 bills I took off for about a month.

SENEY: Do you remember when this was and what precipitated this?

MARKS: I think some action they had taken, the Republican Party, in the Assembly that annoyed me. I'm not sure what it was.

SENEY: This can't have made them very happy in the caucus.

MARKS: They were very unhappy with me.

SENEY: I can imagine so. But you must have been pretty unhappy to do this. Is that not a fairly extreme thing to do, for a Senator to do?

MARKS: Yeah. It is extreme to do.

SENEY: Even though it's within your privileges.

MARKS: I think I had a right to do it, but I felt it is extreme. There's no question it annoyed a lot of Republicans in the Senate and the Assembly. I was not very happy with them.

I remember one budget battle that I fought them very much. The Republicans were insisting that the budget be disclosed to them in some way they wanted disclosed to them, and I said, "No, the Democrats have a right to do what they want to do." Then the convention came closer and closer and the Republicans were going to change their position. They were going to not object to it. I said, "You change your position, I'll get up on the floor and I'll object to that." I was not too popular with them.

SENEY: But these things were obviously things you felt you had to do.

MARKS: Right.

SENEY: Well, again, the switch was very interesting because, of course, the press put on it a kind of negative spin in the sense of -- I don't mean negative, but kind of political spin when it came to, say, what it meant for Mr. Roberti. You're another vote. You get him closer to the 27 that's needed to make sure that any kind of veto can be overridden, because we're talking about the period of the Deukmejian administration, and Governor Deukmejian vetoed more bills, did he not, than any other governor you've served under?

MARKS: Right. Except Wilson's pretty close.

SENEY: Is Wilson pretty close?

MARKS: Wilson is a worse governor than Deukmejian.

SENEY: Well, we want to talk about them and I want to get your views on both of them next time. So that was important, wasn't it, for Mr. Roberti to get this done.

MARKS: Right.

SENEY: It did cause him some headaches because there was sort of a momentary flurry within the caucus, the Garamendi business, and then was it Senator Presley who organized a kind of conservative caucus within the Democrats, about seven members?

MARKS: Right, but it didn't do very well.

SENEY: It's a fairly unusual matter, isn't it, for people to change parties around here.

MARKS: Very rare. Very, very rare. Particularly in the middle of a term.

SENEY: Right.

MARKS: I had just been elected as a Republican.

SENEY: Well, there were some people who said that maybe you should have waited until '88 to switch and served out your term as a Republican, since you were elected as one, and then run again as a Democrat.

MARKS: No, I got Democratic votes also when I ran.

SENEY: Do you feel now that you should have been a Democrat all along?

MARKS: Probably, but I'm not so sure I didn't have a thought that I could make the Republican Party a progressive party like it used to be. The Republican Party used to be the progressive party in this state. I know it's hard to believe that but it was, and the Democratic Party was the conservative party in this state.

SENEY: That's right.

MARKS: It's hard to comprehend that but it's true, and I was trying to make the Republican Party back like it used to be.

SENEY: But you were swimming up against an awful fierce current, weren't you?

MARKS: Awful. Peter Behr used to help me.

SENEY: Another Republican.

MARKS: Right.

SENEY: He would be an ally of yours in this regard?

MARKS: Well, several times when Reagan tried to force us to do certain things, Behr and I would vote the other way -- constantly vote the other way.

SENEY: Sometimes just to be contrary?

MARKS: No, because I didn't agree with him.

SENEY: And Reagan was of a mind that you should have gone along.

MARKS: Reagan felt that if you come from Orange County or some strong Republican county you should be like that person. As a Republican, if you're in San Francisco, which is a highly liberal city, you should be a Republican as an Orange County Republican. I couldn't see that.

SENEY: Did you ever try to explain that to Governor Reagan?

MARKS: I would try to explain it to him and to members of the caucus. I would say, you know, "I can't get reelected. I don't happen to believe in those things, but even if I did believe in them, I could not do it."

SENEY: And again, they would not be moved by this.

MARKS: No, they wouldn't be moved.

SENEY: All right. Well, Senator, that's all the time we have. We've talked for two hours and so I will be back to see you tomorrow.

Thanks, Senator.

Session 6, January 28, 1996

[Begin Tape 10, Side A]

SENEY: Good morning, Senator.

MARKS: Good morning. Glad to be here.

SENEY: Thank you. Me too. We talked last time about the '84 race against Lia Belli, and you know, there was one thing I forgot to ask you about. I don't believe you knew this during the campaign -- it came up some time later -- that she'd actually hired a private investigator to investigate you and that came out sometime later in a Fair Political Practices report. Do you remember that?

MARKS: Yeah. I couldn't understand what she was trying to find.

SENEY: Well, apparently she didn't find anything. Apparently they looked. I guess they were looking at you and Mrs. Marks' financial interests -- I guess your real estate holdings. I take it, you probably own some real estate investments in San Francisco?

MARKS: Yeah.

SENEY: And to see if there were any conflicts, and apparently they didn't find anything.

MARKS: I own less real estate than she did.

SENEY: Is that right? Well, apparently her feeling was that this was in retaliation for the things we talked about yesterday, and that is the business about her

inflating her resume, and once that came out, apparently she said let's get some dirt on Senator Marks, if we can, but they weren't successful. Did that surprise you that it had happened?

MARKS: No. Nothing would surprise me that she did. I wasn't too happy with her.

SENEY: Was that probably as dirty as any campaign has gotten that you ran in?

MARKS: It was pretty dirty.

SENEY: Kind of personal.

MARKS: Yeah. Because there was nothing she had gained, nothing she had looked at. Evidently, she looked at something but she never disclosed it.

SENEY: Because I take it, you two would not be all that far apart on the issues, would you? I mean, she wouldn't have voted much differently than you'd voted on things.

MARKS: Probably not. I really don't know how she would have voted.

SENEY: So there's not that kind of thing going on. Well, let's talk a little bit about the 1988 race, because this time is the first time you run as a Democrat. And I take it, there were no problems with that.

MARKS: Carol Marshall? [Senator Marks' Republican opponent in 1988]

SENEY: Well, I'm thinking on the Democratic side, they didn't try to -- there wasn't any thought of running anybody against you.

MARKS: No, I don't think there was. I really had a good campaign. Well organized, a lot of labor, a lot of environmentalists, a lot of people of

every kind.

SENEY: So labor came back into your fold by this time.

MARKS: Right, they did.

SENEY: Because they weren't with you in '84 in the Belli campaign.

MARKS: They weren't with me a long time ago. I had to tell them that Sam Gompers was a Republican, that Sam Gompers had a good labor record and so did I.

SENEY: Again, as we talked yesterday, you kind of got in trouble with them over the '82 congressional race, so '84 they kind of turned their back on you a little bit.

MARKS: Right, right.

SENEY: But by '88 they were back with you again as they had been before.

MARKS: Right, they were.

SENEY: And you ran against Carol Marshall, who was the Republican nominee. You got 65 percent of the vote, she got 30 percent of the vote. That was a pretty handy win.

MARKS: There wasn't too much of a campaign. It was not too difficult a campaign. I just proceeded to do what I did, tell what I had done in the past and what I was going to do in the future.

SENEY: You did use Clint Reilly in this campaign as a political consultant.

MARKS: I think I did.

- SENEY: Well, there were some reports in your files that he had handled your campaign in this case, and I guess he'd handled some other Democrats' campaigns too at that time.
- MARKS: I was the only campaign he ever handled as a Republican.
- SENEY: Is that right? Well, he must have been more comfortable too when you switched parties, I guess. Because he handled Mr. Roberti's campaign in '88 as well.
- MARKS: Right.
- SENEY: And then I think there may have been one other Democratic campaign that he handled. And apparently those were kind of coordinated, in a sense, all three being Democrats in the Senate.
- MARKS: Right.
- SENEY: You know, one of the things that was in your file was apparently he did quite an analysis, Reilly did, of your staff and so forth. Was that kind of unusual to do that as well?
- MARKS: Well, I think he just wanted to build up his fee, probably wanted to build up the things he was doing.
- SENEY: I did notice, this is the first time I've ever seen fees quoted for what political consultants charge.
- MARKS: Very, very high.
- SENEY: Well, he charged you \$100,000, if you remember.

MARKS: Very high.

SENEY: And then if there had been any primary opposition, there would have been another \$50,000 added on.

MARKS: His fees are very high. He's good but they're very high. It's a lot of money.

SENEY: And I did notice that there was another aspect of the way in which the fees were charged, and that is, under your contract with him, you were obliged to go through him for really all of your printing.

MARKS: He got money for the printing also.

SENEY: Advertising.

MARKS: Right.

SENEY: Any TV spots, radio spots that might have been produced.

MARKS: Right.

SENEY: And he promised in there that that would be at or below market prices. Did you feel it was?

MARKS: I really don't know.

SENEY: For that, of course, he described a whole array of things he's willing to do for you and work closely with your staff and use his own database that he's developed about San Francisco, which I would think would be quite extensive in his case, wouldn't it?

MARKS: Right.

SENEY: Tell me a little bit about the relationship with a political consultant. How does that work?

MARKS: Well, it depends who the political consultant is and how you get along with them. I always like to play an active role in my campaign. I don't like the political consultant telling me everything. I want to take an active role in the campaign, and therefore I did.

SENEY: In other words, would you have with him, or whomever was his designated person for your campaign -- did you work with him or did he have someone designated for you?

MARKS: I usually worked with him.

SENEY: Would you meet from time to time to discuss the campaign?

MARKS: Yes, we did. Quite frequently.

SENEY: Did you make it clear to him, to begin with, that if there were disputes you'd be calling the shots?

MARKS: Yes, I did.

SENEY: Did he have any problem with that?

MARKS: He wasn't too happy about it because he sometimes has campaigns where he runs the whole campaign, and I just feel if you're the candidate, you should have something to say about it.

SENEY: Well, I understand they do prefer to run the entire campaign. I assume they'll take some credit for if you win and maybe some blame if you lose,

because that is important to them, isn't it? I mean, in this world of consultants being successful and so forth.

MARKS: Sure it is. I first met him when he was an altar boy at a Catholic church in San Francisco. He was studying to be a priest, I would guess. He never got there.

SENEY: Do you remember any of the issues from the '88 campaign?

MARKS: I really don't. If you could remind me, that would help.

SENEY: Well, there really weren't very many issues, as a matter of fact, in terms of the '88 campaign. There were a number of people who thought they might run against you.

You know, there was an article in your files that indicated that prior to that election, there was some rumor that you were not in good health and that there were some people who were thinking you might not run in 1988.

MARKS: They've been saying that for years.

SENEY: Have they? Do you remember that particularly?

MARKS: Yes. I was fine.

SENEY: It was just wishful thinking, do you think?

MARKS: Wishful thinking on the part of a lot of people.

SENEY: Well, I know Assemblyman [William J.] Filante was eyeing your seat.

MARKS: That's true.

SENEY: Hoping to move up. And then, of course, there were people on the board

of supervisors in Marin who were then eyeing his seat. It's a kind of domino: when one goes, as you know, the others take a step up.

But in terms of the issues in the campaign, what it seemed that you were doing was spelling out to Marin County what you had done for them. There was some class-size legislation¹ school support things that you stressed.

MARKS: I don't recall any particular issues in the campaign. There may have been.

SENEY: Well, there didn't seem to be, and you seemed to pretty much ignore Carol Marshall.

MARKS: I rarely saw her. I'm not sure I'd even recognize what she looks like now.

SENEY: Do you remember worrying at all about that campaign?

MARKS: No, I didn't. I mean, when you come from a district which is overwhelmingly Democratic and you think you've done a good job, you don't worry too much about it.

SENEY: Well, this must have been all of a sudden really quite nice because before then, of course, you've been a Republican and up against a large Democratic registration.

MARKS: That's right.

SENEY: And you could be pretty confident with that (D) behind your name signifying Democrat now, that those Democratic voters will pretty much

¹ S.B. 2084 1987-1988 Reg. Sess.; (1988).

go along with you.

MARKS: I hope so.

SENEY: And there was a very active slate mailer of kind of almost industry in San Francisco, it seems like. The labor unions had their slates, the other organizations did, and it looked like you were on all of those Democratic slates.

MARKS: I think I was. I think I paid a lot.

SENEY: Talk about that a little bit. How does that work?

MARKS: Well, they usually endorse you beforehand and then they come to you and ask you for money to carry out their endorsement. It's not the other way around. They're not asking you for money before they get the endorsement. Usually it's after the endorsement comes and then they come to you and ask you for a thousand dollars or five hundred dollars or two thousand dollars, or whatever it may be.

SENEY: To make sure your name does appear on that slate card.

MARKS: Right.

SENEY: And I guess you must consider those to be worth it because you're willing to pay for it.

MARKS: Some are better than others.

SENEY: Which would be the one you'd most be interested in?

MARKS: I think an official Democratic one would be one. The Democratic mailer

of the county committee would be very important.

SENEY: And you're expected to pay for that one too?

MARKS: Yes.

SENEY: Kick in on that?

MARKS: Right.

SENEY: Do you remember what that one was, how much that runs?

MARKS: I really don't recall. I'd have to sort of guess.

SENEY: I know that in some parts of the state there are essentially private mailers that are put out, slate mailers.

MARKS: There are. We've passed a lot of laws relating to those mailers. They cannot be declared official. They have to say that they're not official, on the mailer itself.

SENEY: Well, until that happened they were really much more potent and much more expensive to get on, apparently especially in Southern California where the biggest examples of those are.

Do you recall the '92 race as being a particularly difficult one.

MARKS: That's against Joe Freitas?

SENEY: Yeah, that was against Freitas.

MARKS: That was very annoying to me because Freitas was a Democrat.

SENEY: Well, he challenged you in the primary.

MARKS: It was very much annoying to me because at one time Carol Migden was

thinking of running and she decided not to run. She told me she was not going to run. Then Joe Freitas got into the race and stayed in the race. A lot of people tried to talk him out of it. I thought he was foolish. I still think he was foolish because he had been defeated the last time he ran in San Francisco for district attorney and he was defeated for district attorney because he had done a terrible job in representing some people at various trials.

SENEY: Well, the main one was the Dan White trial.

MARKS: That's right. He was terrible in that.

SENEY: The general feeling was that Dan White got a very lenient sentence.

MARKS: He got a very lenient sentence. I'm surprised they didn't give him a commendation.

SENEY: A lot of people felt that that was almost what it was, and in the aftermath of that, Freitas was defeated for reelection, was he not?

MARKS: By Arlo Smith.

SENEY: Would you say that it would be the general consensus among the political community in San Francisco that at that point and really forever after Freitas was damaged goods politically?

MARKS: I thought he was damaged goods. Of course, I again had -- Clinton Reilly handled my campaign and we brought out the things he had done in the Dan White trial very heavily. They were very strong pieces.

SENEY: And that was enough to sink him pretty much.

MARKS: I won by about 100,000 votes in San Francisco.

SENEY: You got almost 72 percent and he got just a shade over 28 percent. So it was a very handy win, there's no doubt about it. You know, isn't Mr. Freitas, though, a very capable individual, do you think?

MARKS: I'm not sure if he's capable or not.

SENEY: You're smiling when you say that.

MARKS: I did not like him.

SENEY: Let me say this. My understanding is that no question that he blundered in the Dan White business, that the prosecutor that he put in charge of that just didn't handle it right. There isn't any question about that. But I understand there were some people who felt that while certainly Freitas was the elected official in charge and ought to have been held responsible for that, that he was, on the whole, a fairly capable individual and kind of a victim of circumstance in a way. Did you ever feel that way about him?

MARKS: I think if you're a district attorney you'd better get somebody who's a good prosecutor, and he didn't.

SENEY: You considered running for district attorney at one point, didn't you?

MARKS: Many years ago.

SENEY: Well, this would have been in the 1979 election for district attorney. There were letters in your files from people both saying you should run

but mostly that you shouldn't run, why would you want that job, it's a nothing job, stay in the Senate where we need you.

MARKS: I'm happy I stayed where I was.

SENEY: Why did you even briefly flirt with the idea of running for district attorney?

MARKS: Well, you always want to look at other places you might put your hat in.

SENEY: Was any of it having to do with the fact that after all these years coming back and forth to Sacramento must get kind of tiresome after a while.

MARKS: It is tiresome. I could do it with my eyes closed, I go back and forth so much. If it were safe.

SENEY: You think you know every curve on the road, do you, without having to open your eyes?

MARKS: That's right.

SENEY: Well, I'm sure you must at this point. But did that figure, do you think, a little bit in your thinking?

MARKS: It did. I don't know how seriously I took it. I'm trying to recall.

SENEY: Well, the only indication of it were these letters from your constituents, a few suggesting to you that was a good idea. Some, by the way, if you remember, wanting you to run for mayor again in 1979 against Feinstein. Do you remember that? The feeling of those letters was that maybe you would have had a better attitude toward business than Feinstein did.

MARKS: Probably.

SENEY: That tended to be the thrust of those letters, suggesting that you ought to run for mayor, but there were just as many who said stay in the Senate, you're doing a great job.

MARKS: I think people like me in the Senate.

SENEY: I take it, you're still annoyed at Mr. Freitas for running against you.

MARKS: I just felt that he conducted a miserable campaign, a terrible campaign. He issued several mailers against me which were terrible. They were insulting and they demeaned me.

SENEY: What about them insulted you, Senator?

MARKS: Well, I think at some of my record, some of the things I had done in the Legislature, some of the areas that I had supported and had not had support, I think he misinterpreted them very much. He was very arrogant. He was convinced he was going to win. I'm quite sure I don't know on what.

SENEY: You know, coincidental with this, the *California Journal*¹ publishes, as you know, from time to time it's mini awards and in that edition they weren't very flattering to you. Do you remember that?

MARKS: No, they weren't.

SENEY: And he played on that, did he not?

¹ See especially the February, 1992 edition of the *California Journal*.

MARKS: That's right.

SENEY: Again in your files, I found a lot of material that you prepared in response to those, putting essentially forward your case on the legislation that you had passed. In fact, I have here in front of me a photocopy of this very extensive campaign, almost book really, that you put forward, talking about the various areas in which you have done a great deal. I take it, this was probably in response maybe to that unflattering article.

MARKS: Probably, because I've had a very good record, I think.

SENEY: Well, you certainly prepared a substantial document in support of that, there's no question about that. So you felt that Freitas was just too personal in this and was--

MARKS: He was too personal. Incidentally, he never congratulated me when I won -- never

SENEY: Isn't that poor form?

MARKS: It was poor form. I never heard from him.

SENEY: Isn't there the expectation that that's going to happen, that the other person calls you and says, "Good job"?

MARKS: Sure.

SENEY: You know, "Let me know if I can ever help you."

MARKS: Usually you do.

SENEY: Whether you mean it or not.

MARKS: Usually you do.

SENEY: Right. It's kind of expected. Well, I should think that by the way you defeated him, that's the end of him.

MARKS: He's moved to Paris. He got married -- remarried.

SENEY: Well, for all the grief he gave you, at least you can take some solace, I suppose, of the fact that you ended his career.

MARKS: He put up an awful lot of money for this campaign. He put up his house, he borrowed money on his house. He lost a lot of money in that on the race.

SENEY: Well, I have heard that he really was a political type -- really enjoyed holding public office and missed very much being in public office once he was defeated.

MARKS: He probably did. He thought he was going to beat me.

SENEY: Well, he was defeated in '79. That's when you considered running for district attorney. That would have been against him in that field.

MARKS: It's very hard for me to remember that.

SENEY: I can understand why because I don't think you must have considered it very seriously.

MARKS: I didn't.

SENEY: Because again, the only evidence of it is these letters from others either urging you to or not to run.

MARKS: I really don't recall it too much.

SENEY: And then in the general election you ran against Bill Borem. Do you remember that very much?

MARKS: I remember he was a Republican and he was concentrating basically in Marin County which was sort of stupid because Marin County is only about a third of the district. I did well everywhere against him. I had several debates with him and I did very well against him.

SENEY: And it's certainly not something you could win solely in Marin County, is it?

MARKS: No.

SENEY: And he did not do very well. He got 25 percent of the vote, you got 66, and there was obviously somebody else running -- Peace and Freedom or someone else was involved in that campaign.

Is there anything else you want to say about the '88 or the '92 campaign? With the exception of the primary, those were maybe your easiest campaigns, were they?

MARKS: I think the primary bothered me, it annoyed me, because I did not want to lose to a Democrat. I remember Roberti tried to talk to Freitas, tried to talk him out of it, and he would not get out of it.

SENEY: That's interesting. What would Roberti say to Freitas?

MARKS: Well, that I was an active leader of the Democratic Party and that he was

for me.

SENEY: Would he offer anything to Freitas?

MARKS: I have no idea.

SENEY: Sometimes that happens though, doesn't it?

MARKS: I have no idea.

SENEY: I mean, you wouldn't be shocked if maybe an appointment to some board had been discussed or that kind of thing.

MARKS: No idea.

SENEY: All right, let me ask you about your committee service because you were long-time chair of the Local Government Committee.

MARKS: Longest in history.

SENEY: Fifteen years.

MARKS: That's right.

SENEY: When did you begin as chairman of that committee? Eighty-six was when you switched to Elections and Reapportionment.

MARKS: No, a long time before that.

SENEY: Probably, say, '71 to '86? You went from Local Government to Elections and Reapportionment in '86.

MARKS: That's right, I did. That's probably about right. I was the chair of that committee for a long time. That committee was a very important committee because it used to handle all of the housing legislation of the

state before the committee became the Housing and Urban Affairs Committee. It was divided. All the housing legislation which the Housing Committee handles, it was handled by the Local Government Committee, so we did an awful lot of the housing.

SENEY: How did you get to be chair of that committee, do you remember?

MARKS: I was appointed by the Rules Committee. I'm not sure who appointed me. It was Mills, I guess.

SENEY: Well, it would have been '71, so that probably would have been -- are we up to Mills yet or are we -- I guess Mills does come in in '71, doesn't he? I'll have to check on that.¹

MARKS: I think I was a good chair of the committee. It's unusual for a Republican to get a chair of anything.

SENEY: That's why I ask. And it is a good committee, is it not? Isn't it considered to be an important committee?

MARKS: It is.

SENEY: How did you run that committee? How are you as the committee chair?

MARKS: I thought I was a good committee chair. I had several good consultants and I worked very closely with them. One of them is still the consultant of the Housing Committee. I can't remember his name.

SENEY: You'll think of it in a minute. We can come back to it. How much does a

¹ James R. Mills was elected President Pro Tem of the California State Senate in 1971.

committee chair end up depending, as a matter of course, on their committee consultants, do you think?

MARKS: Quite a bit. Because a lot of the bills are prepared by the committee consultant. A lot of the subjects are prepared by the committee consultant. Reports are prepared by the committee consultant, which I sign, but they are ones that he had a lot to do with.

SENEY: Under your direction obviously. You set the direction for what these people are going to be doing under those circumstances.

MARKS: Right.

SENEY: I'm trying to get a sense of what you -- let me look at another pile here for some of the local government legislation that was done during this period.

[brief break]

SENEY:

Go ahead, Senator.

MARKS: I was active in the Brown Act and this has something to do with my appointment as chair of the Local Government Committee because the Brown Act also applied heavily to local government.

SENEY: Well, at that time, you were attempting to extend that open meeting requirement to local government, weren't you?

MARKS: That's right.

- SENEY: And you must have, as a result of trying to extend that to local governments, developed some expertise then in the local government field.
- MARKS: I did. I was a good chairman.
- SENEY: What do you remember particularly about that committee and the legislation that came before you?
- MARKS: A tremendous amount of housing legislation came through. Bond issues and various things.
- SENEY: When you say housing, do you mean things like amendments to the building codes?
- MARKS: Amendments to the building codes, bond issues, ways in which local government could build housing. A lot of those bills passed. I was helpful in getting some money for various local governments. I got quite a bit of money for one local government in California that came to me and asked me for some help. I helped them considerably.
- SENEY: When you become a committee chairman, of course, you become the focus of a lot of interest group attention because they want to influence what goes on.
- MARKS: Yeah, that's right.
- SENEY: Talk about that a little, how that works.
- MARKS: Well, the League of California Cities and the Counties Association came to me consistently in my committee. They were there all the time.

SENEY: How would you evaluate them as interest groups? Were they pretty good?

MARKS: They're pretty good.

SENEY: You know, to outsiders, the idea of interest groups, they kind of see maybe not such a wholesome influence on what's going on in the Legislature.

MARKS: No, they were wholesome. I think they basically did what they felt was necessary for local government.

SENEY: If you were explaining to me in a basic way, from your point of view, what the interest groups' contribution to the legislative process is, say, in the committee system, how would you explain that to me?

MARKS: The local government committees?

SENEY: Right, in this case.

MARKS: I think that they were very effective in trying to promote legislation that they thought was important to cities or counties or both. Usually they were together but once in a while they are opposed.

SENEY: Did they quarrel once in a while?

MARKS: Once in a while. Rarely, but once in a while. My basic job was to see to it that cities and counties were well taken care of, or were protected -- not well taken care of but protected -- and see to it that their interests were brought forward. I was helpful in that.

SENEY: You know, one of the things that makes the Local Government Committee a busy committee, and I'm sure it must have been. . . .

MARKS: It was very busy. It met every week.

SENEY: A high volume of legislation.

MARKS: A lot of legislation.

SENEY: Is the fact that the state, of course, oversees in pretty considerable detail what the local governments do.

MARKS: That's true.

SENEY: Because my understanding is that in most cases, the local governments -- maybe in every case -- can't do anything unless they have explicit permission from the state to do it.

MARKS: That is correct.

SENEY: So you must have found yourself very frequently dealing with what were peculiar problems to maybe San Francisco or Riverside or some other city.

MARKS: They were difficult problems. We were an extremely busy committee.

SENEY: I'm trying to get a sense -- in a case like that, say if it's a problem that dealt solely with San Francisco and you as the -- well, let me say Riverside, because I don't want to bring you into it -- and you've got a state senator down there and you've got an assemblyman down there and you've got the local officials down there. If they all come to you and say, "Chairman Marks, we really need this; this is important for our community; we've discussed this; we all support it; here's what it does," would you have been likely to support them in that?

MARKS: It depends on what it was. If they wanted something that was special to them that they weren't entitled to, then I wouldn't be for it. But if it was something special to them that they needed, I would be helpful.

SENEY: I guess my understanding is that frequently if all the local officials agree and the state representative and the senator agrees, that the Legislature generally -- again, if it's something that's not--

MARKS: If it's purely a local issue, one that just involves locality, I usually would go along with it.

SENEY: Right. There's that kind of courtesy, isn't there, that's extended to them. What sticks out to you besides the housing legislation that the Local Government Committee did?

MARKS: Well, all the bills involving cities and counties, involving consolidation of cities and counties. Trying to do something about making them work together on bills that came out of my committee.

SENEY: But outside the housing legislation, there isn't any particular legislation?

MARKS: Housing was probably the most important.

SENEY: And was it the most numerous legislation or did it have the broadest impact?

MARKS: A lot of it.

SENEY: When did that split off into a separate housing committee? After you left the chairmanship?

MARKS: After I left the chairmanship. I then became the vice chair of the Housing Committee.

SENEY: What other committees have you served on that stick out in your mind?

MARKS: Elections and Reapportionment was very important.

SENEY: Right.

[Begin Tape 10, Side B]

MARKS: I guess it was, to some extent, because of my Republican leanings originally.

SENEY: Let me say, we're talking now about the Elections and Reapportionment Committee.

MARKS: I had said that I did not want to have a policy which would not be adopted by the Democrats as well as the Republicans. I mean, I think the Republicans were quite suspicious of me, but I was convinced that we were going to have a policy which Democrats as well as Republicans voted for and we had over twenty hearings up and down the state of California.

SENEY: Let me ask you about your appointment as chairman of Elections and Reapportionment, because this comes shortly after you switch to becoming a Democrat and you're caucus chair. And this, of course, is in anticipation of the 1990 reapportionment, and there's nothing more

important that the Legislature does for itself than draw its own boundaries.

This is a very important committee.

MARKS: It is.

SENEY: Do you remember how that decision was made to make you chair of that committee?

MARKS: I really don't know. I guess the president pro tem of the Senate decided he was going to appoint me. He was interested in the Elections and Reapportionment Committee and wanted me to be fair, which I said I was going to be. I said I was not going to try to preside over a situation where the Democrats were going to take over all the Republican seats, that I wanted a fair system.

SENEY: Don't you suppose, despite your own personal interest in being fair, that given the memories of what Phil Burton had done to the congressional reapportionment in '82, there was probably a lot of pressure to be fair overall, wasn't there?

MARKS: Well, there was, but the Democrats were in control of the Senate.

SENEY: You know, if I were Mr. Roberti, I guess when I handed you this assignment I'd say, "Senator Marks, I want you to be chairman of the Elections and Reapportionment Committee, and do anything you want, just make sure we have a Democratic majority."

MARKS: He probably said something like that, but I was inclined to do what I

possibly could because I believed if you have a fair reapportionment the Democrats will control the Senate because of the way in which the seats are arranged.

SENEY: I've got some specific questions I want to ask you. Because you did handle this differently than your predecessors had handled it, and you also handled it differently than the Assembly handled it -- didn't you not?

MARKS: Much differently.

SENEY: Did you discuss at all with the Assembly people the way in which you were going to handle it?

MARKS: No.

SENEY: And I can't for the moment think who was the Assembly chair now of reapportionment and elections in 1990.¹

MARKS: I'm not sure.

SENEY: We'll figure that out later.

MARKS: I did write a letter to the governor, saying I wanted to sit down with him. He never replied. He never replied by letter at all.

SENEY: This is Governor Wilson.

MARKS: I wrote a letter to him saying that I wanted a fair reapportionment, I want to talk to you about it, and he never replied.

SENEY: Well, the Republicans were very, very interested -- again, for political

¹ Assemblyman Peter Chacon.

reasons; I mean, we all understand why reapportionment is so important here because, you know, you can draw these districts in such a way as to favor one party over the other unfairly. There's no question about that. It's been done many times.

MARKS: I said I wouldn't do it and I didn't.

SENEY: Well you know, my understanding is that Wilson was talked into giving up his safe Senate seat to run for governor in 1990, specifically because of the reapportionment issue, that the Republicans wanted a strong candidate for governor because they figured that they would have the situation which is the Democrats still controlled the Legislature and if they didn't have the governorship, they wouldn't have any bargaining power over reapportionment. Do you understand that to be the case?

MARKS: Probably. I don't know, but it doesn't surprise me.

SENEY: So you wrote to Wilson and said--

MARKS: I said, "I want to come up with a fair system, I want to sit down and talk with you," and he never replied to my letter at all -- ever -- which annoyed me.

SENEY: Isn't that unusual?

MARKS: It is unusual and, I think, very disgraceful.

SENEY: Why would he not even reply, do you suppose?

MARKS: I don't know. He didn't reply at all. Not a line, not a word.

SENEY: I mean, there are many things he could have said: "I'm waiting to see what you'll come up with," "it's the Legislature's prerogative."

MARKS: He didn't say anything at all. I talked to some people in his office and asked him to reply. He said he didn't.

SENEY: What did that signal to you?

MARKS: It signaled to me there would probably be a veto of my bill.

SENEY: No matter what you did.

MARKS: Yeah, but I was convinced -- the Senate bill¹, when it went over to the Assembly, was an excellent bill. I would like to have divided them -- have the Assembly and the Senate divided some way.

SENEY: Well, you tried to do that.

MARKS: I tried but I couldn't.

SENEY: They wouldn't divide them.

MARKS: No.

SENEY: Well, your Senate bill passed 37-0.

MARKS: No votes against it. None.

SENEY: Aren't you kind of pleased at that?

MARKS: Sure I was. It was a very fair reapportionment. I had a very good consultant to the committee.

SENEY: Tim Hodson.

¹ S.B. 587 1991-1992 Reg. Sess.; (1991).

MARKS: Tim Hodson was my consultant. And we conducted hearings up and down the state of California. We had hearings everywhere from the tip of Oregon to the tip of San Diego. Everywhere. We had everybody participate.

SENEY: Who would come to these hearings and what would be said?

MARKS: A lot of people from the Mexican groups, a lot of people from the Chinese groups, a lot of people from the Black groups, a lot of people from areas that they were concerned with the reapportionment. I told the Republicans that I was going to be fair. I'm not sure they ever believed me.

SENEY: Well, MALDEF -- the Mexican American Legal Defense Fund -- do I have that right?

MARKS: Right.

SENEY: They'd been interested for some time, going back to the 1980 reapportionment, that they felt that Latinos have been underrepresented because of the reapportionment plan.

MARKS: Right, right. I was quite annoyed at the federal government which would not include some of the new people who had come into California. Millions of people were not affected by the reapportionment.

SENEY: You mean these would have been the aliens that had come in legally and illegally?

MARKS: Legally, but we had gained an awful lot in the California population, a lot,

and they would not pay attention to them.

SENEY: Are you talking now under the [Federal] Voting Rights Act and what was required by the Voting Rights Act, or by the census itself?

MARKS: By both.

SENEY: By both? What specifically did they fail at, do you think?

MARKS: They didn't include a lot of people who'd come into California the last couple of years before the reapportionment were not included in the census.

SENEY: So your feeling was the census data were faulty or incomplete?

MARKS: Incomplete.

SENEY: Were you obliged to go by the U.S. Census data?

MARKS: We were.

SENEY: I mean, because I know the [California] Department of Finance prepares estimates also.

MARKS: We're required by the U.S. Census data.

SENEY: So you were bound by that.

MARKS: Right.

SENEY: That was your basic data. I was going to ask you how did this '91 process in the Senate differ from 1970 and 1980?

MARKS: I think it was fairer.

SENEY: Well, they didn't hold holdings in '70 or '80.

- MARKS: No. As I recall, the '78 -- I don't think they even got a bill. I think they amended it on the floor of the Senate.
- SENEY: The '70 one or '80?
- MARKS: I'm pretty sure. The seventy one or '80. They just amended it on the floor of the Senate. They didn't have a hearing at all.
- SENEY: It never even went through the committee system, in other words.
- MARKS: Nothing.
- SENEY: It just was attached.
- MARKS: Attached to an amendment to the committee process and I just was not going to go for that. I was determined that I was going to be fair, that they had to say to me that I was fair, that I wanted to do all I possibly could to help everybody, and that was my process.
- SENEY: You know, in running, say, something like the Local Government Committee, I don't imagine there were very many times that you would drop in to see the pro tem or give the pro tem a call and say, "This is coming up before the committee, maybe you ought to know about this."
- MARKS: Once in a great while.
- SENEY: When it was important enough, I suppose. But it would seem to me that in terms of reapportionment, that you might keep Mr. Roberti fairly well informed.
- MARKS: I did. I kept him very well informed. I let him see the maps all the time.

Everywhere, all the time. I remember the other reapportionments, I wasn't able to see them at all.

SENEY: Well, this must have been very different. You're on the giving end now rather than the receiving end.

MARKS: Right.

SENEY: I don't know what the truth of the matter is -- maybe you'll share it with us -- but Senator Kopp was not very happy with you at one point.

MARKS: He was very annoyed because he felt that the lines, which I had drawn for him, were unfair to him. They were not. He got very annoyed at me and I told him that he was wrong, totally wrong, and we were going to do what we thought was right.

SENEY: Well, of course, he's kind of in betwixt and between. He's not a Democrat, he's not a Republican, he's an Independent.

MARKS: He was a Democrat.

SENEY: He was, right; but in terms of the Senate he's an Independent, isn't he?

MARKS: Right.

SENEY: And apparently at the rear of the chamber the two of you had a few heated words--

MARKS: We did.

SENEY: --and you let him know that you were handling this and it would be your decision.

MARKS: That's right, and it was.

SENEY: And he kind of accused you, in his words, of "cherry picking" some of his best areas.

MARKS: No, I didn't. The area that we had to divide in San Francisco was pretty well decided because we had to have a division of San Francisco by numbers of people. I wasn't about to give up to him, the things that I felt were necessary to me, and I just felt that he was very unfair to me. He called me up at my home and threatened me once.

SENEY: Threatened you with what?

MARKS: Said he was going to take care of me.

SENEY: What does that mean when Senator Kopp says that?

MARKS: Well, he would do what he possibly could to defeat me, I guess.

SENEY: Maybe run someone else?

MARKS: Probably.

SENEY: My understanding is that Senator Kopp's a very intelligent man.

MARKS: Yes, he is.

SENEY: And a very difficult man.

MARKS: He is.

SENEY: Both of them.

MARKS: I campaigned for him when he ran for mayor against Feinstein.

SENEY: Well, he came close to winning that.

- MARKS: That's right. I rang doorbells for him.
- SENEY: The reports in the press¹ are that it was a heated exchange between the two of you.
- MARKS: It was -- very heated.
- SENEY: But you didn't make any changes as a result of his complaints.
- MARKS: No. Well, we made some modifications of some kind. We made some changes of some kind to try to readjust some of the things he wanted. Some of them he got.
- SENEY: You know, he clearly said this in a way that he knew it would get in the press². Did he not?
- MARKS: Probably.
- SENEY: Had he come to see you before this about the district he had?
- MARKS: No, no. No, I don't think so.
- SENEY: I mean, I would think that that would be a natural progression to come talk to you and then maybe see that it got into the press.
- MARKS: I don't think he did.
- SENEY: You know, you did volunteer to alter your district.
- MARKS: I did. Later I did it in a way that took care of the problems of the Oriental community. I was willing to change the plans to take care of the Oriental

¹ A.G. Block, "The Reapportionment Failure," *California Journal* vol XX, No. 11 (November 1991) p.504.

² Ibid.

community and I did, which is very rare, that a chair of a committee would ever do that.

SENEY: I would think so because what you did is extend your district down into northern San Mateo County, areas that must have been really unfamiliar to you.

MARKS: That's right.

SENEY: I mean, you were gracious enough to say in the press that you had family there, apparently, and you felt comfortable and that you could win there too, but that's a very unusual kind of thing¹. Why'd you do that, Senator?

MARKS: Because I felt the Oriental community was entitled to good reapportionment. I think they should have had an Oriental area, and so I gave them largely to Kopp. He got a lot of the Oriental area which I used to have.

SENEY: Well, you created a district that was, what? About 30 percent Asian, didn't you, by that.

MARKS: Very much.

SENEY: Which would have been certainly not a guaranteed Asian district but one that would have been very easy for an Asian candidate to win in.

MARKS: Right, right.

SENEY: And that was your objective.

¹ Ibid.

- MARKS: That's right. So I got commended very heavily by the Asian community for what I had done. They were very supportive of what I had done.
- SENEY: Well, they came to you, didn't they, before you made these changes and made their case to you.
- MARKS: Right, right.
- SENEY: But you've never run in this district, have you?
- MARKS: I've run in the Richmond district and the Sunset district which are heavily Asian, and they became part of Kopp's district. I gave them up because I felt the Asian community was entitled to representation.
- SENEY: When the final reapportionment plan came out, did your district end up with northern San Mateo County?
- MARKS: It did, before the governor vetoed the bill.
- SENEY: I see. What about after the masters plan, which was the one that was adopted?
- MARKS: He gave me Marin County.
- SENEY: He put you back in Marin County.
- MARKS: Which is fine. It was good.
- SENEY: In other words, you ended up with pretty much the district you had already.
- MARKS: But the original plan was one that the supreme court did in a way that I was out of my district; I was virtually out of the area. I could not have

run for reelection at all in '92. I could not have run for election at all under the original plan that the supreme court put out. I'm convinced -- I never can prove this and I really probably shouldn't say this -- but I'm convinced that the supreme court was trying to help the Republicans because they messed with Roberti and several other Democratic leaders.

SENEY: Ahh. But that was not the final plan that was adopted.

MARKS: No. They amended it. The original plan that they put out, the supreme court put out, I could not have run for reelection. I was out of the seat in '92. Out.

SENEY: Your house would have been in the upper left-hand corner of the district they drew, wouldn't it have been, that you would have been in?

MARKS: No. I'm in the middle.

SENEY: Now you're in the middle, but under the supreme court plan, where would your house have been?

MARKS: Same place but it would have put it in Kopp's district.

SENEY: I see.

MARKS: So the plan was one that drove me out of my -- not only was I the chair of the committee, but I was also not permitted to run again.

SENEY: You would have been in Kopp's district.

MARKS: Right.

SENEY: Are you and Kopp elected at the same time?

MARKS: No.

SENEY: So you would have been in a district--

MARKS: No, I couldn't have run for reelection.

SENEY: --which would not have been up until '94.

MARKS: That's right.

SENEY: Ahh. So they shifted you into another numbered district -- into an even-numbered district, in other words.

MARKS: That's right.

SENEY: How did that get changed? What went on that changed?

MARKS: The supreme court just changed its mind. I don't know what they did. I'm not sure how they did it, but I yelled and screamed so much, maybe they listened to me.

SENEY: They put out the plan. You and others objected to it clearly.

MARKS: Yeah, very much.

SENEY: What form did your objection take? Did you have to file briefs or were there hearings?

MARKS: I don't think I filed briefs. I think I just did it publicly, and then they changed. I'm not quite sure why they did it but they did. So then I was able to run.

SENEY: Was this called a preliminary plan on their part that they put out?

MARKS: I'm not sure whether it was called a preliminary plan or was the definite

plan.

SENEY: But for some reason, it went back in and came out and you had essentially your old district back.

MARKS: That's right.

SENEY: So even though--

MARKS: I went up to Sonoma County, which I didn't have before.

SENEY: And that's the district you ran in in '92.

MARKS: No.

SENEY: You've never run in this district yet.

MARKS: I ran in '92, yes.

SENEY: In this new district.

MARKS: Yes, right.

SENEY: Okay, all right.

MARKS: I did not run in '88.

SENEY: Because I know that there have been times when I think in the '70 reapportionment, it didn't really go into effect until '74, I think, did it?

MARKS: Well, it went to the supreme court also.

SENEY: Right. There were so many appeals--

MARKS: Governor Reagan did -- was a stupid thing to do.

SENEY: By vetoing that original plan.

MARKS: Because he helped the Democrats. He did not intend to do that but he did.

SENEY: Well, the story I've been told is that the Republicans in both houses asked him to sign that reapportionment as the best deal that could be gotten.

MARKS: That's right.

SENEY: And he absolutely refused.

MARKS: That's right.

SENEY: Vetoed it. Let it go to the courts.

MARKS: Right. And he got screwed.

SENEY: And ended up with a much less helpful plan to the Republicans.

MARKS: Right.

SENEY: And that, combined with the Watergate scandals in '74, just ruined the Republican Party for a long time to come.

MARKS: Right.

SENEY: Let me ask you a couple of other questions here. I guess you answered the one how it differed in '91 from '70 and '80, and that was your attempts to bring in all these other people.

MARKS: I was convinced that if I had hearings where everybody who wanted to testify -- anybody who wanted to testify was encouraged to testify. Anybody. I had hearings where anybody who represented women's issues or whatever issue they represented was given an opportunity to testify about the bill. The hearing was held in an area that was -- where I'd made suggestions, but these were not final because they hadn't been adopted by

the Senate. I made some changes in them as we went along. I was determined that they were going to have a fair hearing. I'm not sure that the Republicans ever fully understood that. I think they did eventually because they all voted for it.

SENEY: You know, let me ask you, clearly this was a different process than had been used earlier in '91 and with this openness of the process and more responsive to the public concerns and there must have been a number of causes for this. One of them was clearly what you yourself had in mind and wanted to -- for you, this is your fifth reapportionment, isn't it, in terms of the Legislature? Nineteen-sixty, '65, '70, '80 and now '90, so you've had some considerable experience with reapportionment and the problems with it.

MARKS: The only time I was ever in charge of it was the last one.

SENEY: Well, of course, as we said before, except when you were reapportioned out of your Assembly seat, you really haven't been hurt too badly by it as a Senator. You've been treated fairly well for a number of reasons. But, I mean, one of them certainly has to be your own interest here in doing this fairly, but then, there must have been broader political considerations too. That is, that the Republicans had put on the ballot after 1980 a plan to try to turn reapportionment over to non-legislative bodies¹.

¹ Proposition 14 (November 2, 1982).

MARKS: I was against them.

SENEY: Right. And this must have been, I would guess, in your thinking. That is, let's make it fair and let's head off any of these.

MARKS: I'm convinced that what we had adopted in the Senate was the best plan we ever could have had. It was adopted by everybody. There were no Republicans at all who were opposed to it. Republicans, you always saw, were violently opposed to whatever plan that Phil Burton had put through, but not a single one [opposed my plan].

SENEY: Why couldn't you get it split off from the Assembly plan?

MARKS: Because the Assembly wanted to combine them. They wanted them in one proposal. I was very disturbed about it because I was convinced that the governor would veto the bill.

SENEY: And they probably thought their only shot at getting it signed was if it had your Senate plan attached to it?

MARKS: Probably.

SENEY: Do you think the governor would have signed your plan if it had been there separately?

MARKS: I think he would have. I'm not sure. I never discussed it with him at all.

SENEY: You know, he had his own commission that he appointed and it came up with a plan. Did you ever see that plan?

MARKS: No, but one of the men that ran it was a man who used to handle one of

my campaigns.

SENEY: Do you know what was in it?

MARKS: No, I don't.

SENEY: Not even what your own district would have looked like.

MARKS: No.

SENEY: Why did that plan never get made public?

MARKS: Because he was determined that he was going to veto it and then they sent it to the supreme court and let the supreme court decide it. I think he was determined to veto it.

SENEY: Thinking he could do better in the courts than whatever the Legislature came up with.

MARKS: That's right.

SENEY: Do you know if people on the Republican side here in the Senate went to them and said, "Listen, we've got a good plan here. If we could split this off, will you sign it"? Was there any of that?

MARKS: I really don't know. I think there should have been but I really don't know whether there was or wasn't. You know, it's like you're the governor of California, I don't talk to you at all. At all. No conversation at all. I'm the chair of the committee but no words of commendation or disrespect or anything was ever issued by the governor at all. It was just like he was in a totally different area.

- SENEY: And you'd never had this experience before with a governor.
- MARKS: No.
- SENEY: We'll talk about the governors a little bit later specifically. I know that you're not particularly happy with Governor Wilson and this must be one of the reasons for it.
- MARKS: I thought he was pretty good in the Assembly.
- SENEY: When he was a member of the Assembly. You knew him, obviously, from those days.
- MARKS: Yeah.
- SENEY: You know, I guess if I were a Republican member of, say, the reapportionment committee or the Republican leadership or a prominent enough Republican senator to get access to the governor, I'd want to say to him, "Listen, we've got a good plan here." Wouldn't I come to you and say, "Listen, I'm going to do this and I just wanted to let you know"?
- MARKS: They would have but they didn't. I don't know whether they did or didn't.
- SENEY: But by all indications they probably did not do that.
- MARKS: Probably not.
- SENEY: But again, one of the reasons that you wanted to do a fair plan would be, I would suppose, just to head off any more Republicans attempts to turn reapportionment over to a non-legislative body.
- MARKS: That's one of the reasons. I was convinced that if I was going to be the

chair of the committee it was going to be fair. So I was determined that I was going to have a fair reapportionment.

SENEY: How much did the federal Voting Rights Act have to do with that too? I'm not trying to downplay your own sense of fairness here but a lot of things always come into a decision.

MARKS: It had something to do with it.

SENEY: Because now there are mandates from the Voting Rights Act about minority representation. And when we talked about the Asian community coming to you, they must have brought up the Voting Rights Act.

MARKS: They did.

SENEY: And reminded you that it had these requirements in it.

MARKS: And I was willing to do it. And I did do it.

SENEY: Did you ever use the threat of the Voting Rights Act and in particular the prospect of pre-clearance by the [President George] Bush Department of Justice to get senators to back off on unreasonable demands?

MARKS: We did talk about the bill, the necessity of the Bush committee group to approve them. We talked about it a number of times.

SENEY: How did you handle this? Obviously, you hold the hearings and you've got some idea of what you want to do. Did you start up in the north part of the state and start drawing districts down, do you remember?

MARKS: We would make modifications of the areas. Some district in Monterey,

we'd change it somewhat, some modification of it.

SENEY: Did you call in the relevant senator every time you made a modification and say, "This is what it looks like now"?

MARKS: We did. We were extremely fair.

SENEY: If I'm a senator and you call me in and you've modified my district, I'm going to be very touchy about this, am I not?

MARKS: Yeah, but we never did it in a way that senators would be opposed to it.

SENEY: Did they come in and say, "Oh, you've got to do better for me than this. I'm not going to win. You've got to give me back these people"?

MARKS: Occasionally they did, but we just said we're going to have a fair reapportionment. It's going to be fair to Republicans and Democrats and Independents, and it was.

SENEY: Let me change this.

[Begin Tape 11, Side A]

SENEY: If I come in as a senator and I say, "Geez, Mr. Chairman, I just can't handle these people here," would you ever use the Voting Rights Act on me and say, "No, there's nothing we can do"?

MARKS: Yeah, I would occasionally.

SENEY: Even if it weren't so.

MARKS: Occasionally.

SENEY: I mean, this is one of the negotiating kind of stances that you need to take.

MARKS: But I would talk to Senator [William] Leonard, for example, who was the Republican leader, and I would tell him -- he was on my committee -- I said, "We're going to have a fair reapportionment. You may not believe me but this is going to be a fair reapportionment. Everybody's going to be satisfied with what we do in the Senate," and they were. So I was sort of annoyed that the governor vetoed the bill.

SENEY: You know, you said as I was changing the tape, that's why you were so annoyed with Senator Kopp is you felt you'd done fairly by him.

MARKS: I had.

SENEY: What was the role of the Senate Democratic leadership and Republican leadership, in all of this?

MARKS: I can talk more about the Senate Democratic leadership more than the Republican leadership. Roberti was always very involved in helping to draw up the lines. He made a number of modifications of lines. I remember Senator [Ralph C.] Dills was very unhappy about the -- who's a Democrat -- he was very unhappy about the reapportionment, and we tried to find ways to accommodate his interests. We were unable to do so.

SENEY: By the way, has Senator Dills had to run in this new district?

MARKS: Yeah. He ran in the new district.

SENEY: And was elected obviously.

MARKS: He won in the Democratic primary.

SENEY: In other words, he didn't have any Republican opposition in this district?

MARKS: Not of any consequence.

SENEY: So Roberti would take an active part in redrawing the boundaries.

MARKS: Right, right.

SENEY: Would you allow Senator Leonard, the Republican leader, to come in and modify the lines at all?

MARKS: I'd let him look at them, but he really had nothing to complain about. Absolutely nothing. Because the lines were drawn in such a way that we were fair. I keep on saying that because we were fair. We saw to it that everybody's interests were fully protected.

SENEY: Were you trying to maintain -- and I'm not even sure at this point what was this Democratic and Republican balance in the Senate at this point?

MARKS: It was 23 or 24 Democrats.

SENEY: Were you trying to maintain that?

MARKS: Sure. But I did it in a way in which we were fair.

SENEY: By the way, that's understood, isn't it, as part of the game? The party that's in charge gets to keep at least what it has?

MARKS: Right.

SENEY: And nobody complains about that. If you try to increase your majority, then there are complaints about unfairness.

MARKS: That's right.

SENEY: But if you're just trying to maintain the numbers you've got, everybody understands that's part of the game.

MARKS: They usually do.

SENEY: Well, they should, I guess, in some cases. What was the role of congressional delegation here in terms of drawing the congressional lines?

MARKS: I also talked to the congressional delegation quite a bit about the lines. They didn't play as much of a role in it as they did when Burton was here. They did some lines. They were active in getting some of the lines drawn in such a way that they were satisfied, but their role wasn't as active as it was when Burton was here.

SENEY: Obviously you're drawing up the Senate plan. The Assembly is drawing up the Assembly plan. Who's really drawing the lines on the congressional plan?

MARKS: The congressional people would talk about it but we actually drew them.

SENEY: Did you work with the Assembly on that?

MARKS: No, the Congress.

SENEY: But I'm thinking of both you and the Assembly are going to have to draw these up, or did they just work through the Senate and this was part of the Senate bill for simplicity's sake?

MARKS: I'm not sure how they did it in the Assembly.

SENEY: Well, let me ask you this. Obviously, you take complete responsibility for and have control over the Senate plan here in the Senate. The Assembly likewise for the Assembly plan.

MARKS: Right.

SENEY: When it came to the congressional plan, did you simply defer to what the congressional delegations could agree on?

MARKS: I think we let the Congress come in. Yeah, we did. We deferred to them to some extent.

SENEY: Who played the role that Burton had played on the Democratic side? That is, who was the lead Democrat?

MARKS: I guess it was [Congressman] Howard [L.] Berman, probably. Probably one of the leaders.

SENEY: And so you would deal mostly with Berman?

MARKS: Right.

SENEY: And what about on the Republican side? Was it [Congressman John] Doolittle?

MARKS: Doolittle wasn't there. Maybe Doolittle did have a little bit to do with it. We didn't do as much with the congressional people as when Burton was here. When Burton was here he just took charge of it.

SENEY: He just presented you with the plan, didn't he?

MARKS: Right. That was it.

SENEY: No question, no quibble, no quarrel.

MARKS: No. It was amendments on the floor. They didn't even bring the bill up at all.

SENEY: Well, that's right. I mean, it never went through a committee. It was just amended on to the reapportionment bill on the floor. And the case of 1981, the Democrats controlled both houses and the governor's seat, so that plan was accepted, whatever Burton -- he really literally drew that plan up, didn't he?

MARKS: He did, right.

SENEY: In this case, do you remember, did the Republicans and the Democrats come to terms over where the boundaries would be and give you the maps for them and then you went ahead and passed those for them?

MARKS: I think they did. I'm pretty sure they did.

SENEY: So kind of as a matter of courtesy, I guess, you defer to them. I mean, you would never,

been kind of unusual, wouldn't it?

MARKS: Yeah, it is.

SENEY: Because by convention, that's really up to them to decide.

MARKS: I said the California Legislature's going to decide it.

SENEY: What was the role, if any, of the state parties in this, of the Democrats and Republicans?

MARKS: They occasionally would talk about lines but they did not play too active a role.

SENEY: Did the state chairman give you a call once in a while and see how things were going?

MARKS: Once in a while.

SENEY: Would he be more likely to go through Roberti for this kind of thing, do you think?

MARKS: Probably.

SENEY: And make sure Roberti was reminded what the party's interests were likely to be?

MARKS: Right.

SENEY: Who were the most effective, sort of non-legislative players in the '91 reapportionment for the Senate?

MARKS: The consultant to the committee -- very important.

SENEY: How extensive of a role did Tim Hodson play?

- MARKS: He played a very active role in it. Very active. Drew a lot of lines.
- SENEY: He had been consultant for a while, hadn't he, before the reapportionment plan was written.
- MARKS: I'm not sure.
- SENEY: He'd been with you for several years.
- MARKS: When I became the chair of the committee, it was the year they did reapportionment. Ninety-one, they did it.
- SENEY: And that's the year you became chair of the committee.
- MARKS: Yeah.
- SENEY: And he was the consultant at that time.
- MARKS: Right.
- SENEY: You mean, you would actually have him draw lines under your direction and you're telling him what you wanted done and so forth?
- MARKS: Right.
- SENEY: How important were computers in all of this?
- MARKS: They're very important. Computers were very important to try to get the exact number of people. The bill did not call for any modifications in the districts. The districts were exactly the same number -- almost -- within two or three hundred maybe.
- SENEY: So in other words, you factored in what the population had to be of each district by figuring out that.

- MARKS: Right.
- SENEY: And then you could pretty quickly make changes obviously by feeding in what you wanted into the computer and print those out.
- MARKS: But I would always talk to the Republican leadership as to what I wanted to have done.
- SENEY: And again, the role of MALDEF and other Latino groups?
- MARKS: They were active. They were very important.
- SENEY: And then the California Asian Pacific Islanders for Fair Reapportionment?
- MARKS: Very important.
- SENEY: Was that the group specifically who came to see you and you changed your district based on what they wanted?
- MARKS: Right, right. They couldn't believe I would do it but I did it.
- SENEY: Well, it is pretty unusual, isn't it? What was their reaction?
- MARKS: They were very pleased.
- SENEY: Well, there were, in your files, copies of their newspapers extolling your virtues here for being understanding
- MARKS: They should have extolled me.
- SENEY: You deserved it.
- MARKS: I did.
- SENEY: What about the role of the NAACP [National Association for the Advancement of Colored People] and the African-American community?

MARKS: They played a role. They testified in committees. They played some role. Not as much as the Asians but somewhat.

SENEY: You know, I've been given to understand that one of the reasons that they may not have been so out front as the Asians were or the Latinos were is they just assumed Willie Brown would look after their interests. Do you think that was the case?

MARKS: Maybe. It's possible.

SENEY: Did he ever come to see you--

MARKS: No.

SENEY: --about how the Senate should look?

MARKS: No, never.

SENEY: I mean, that's just not done, I guess.

MARKS: No.

SENEY: In terms of the Assembly, were you surprised by the decision to pass three separate plans in the Assembly?

MARKS: Yes, I was.

SENEY: How did that happen? They had three different reapportionment plans that they passed, right? Why did they do that, do you think?

MARKS: They were trying to get one signed by the governor.

SENEY: And they attached the Senate plan to each one of those.

MARKS: That's right. Which I did not like because I was convinced the governor

would veto the bill.

SENEY: I'm trying to get a sense of whether or not you thought, even as hard as you worked on this, that your plan was going to go through -- what was your feeling about that? The governor never responded to you, even though you wrote him early on.

MARKS: Never.

SENEY: Did you have a kind of fatalistic view here that no matter what you did that he was going to veto it in any case?

MARKS: Well, I was convinced that when the Assembly modified our bill into theirs that he was probably going to veto it.

SENEY: Did you think, though, that when you got that Senate bill passed 37 to nothing that there might be a chance he'd sign it.

MARKS: He would sign it if the Assembly bill were not put in the Senate bill.

SENEY: I take it, this all goes on in conference committee between -- and you must have been a member of the conference -- one of the conference people.

MARKS: Right.

SENEY: Do you remember the discussions in the conference committee, your trying to get the committee to vote to separate these bills?

MARKS: We did try to but they wouldn't do it.

SENEY: Was there much of a discussion?

MARKS: Yeah, a lot of discussion but they just wouldn't do it.

SENEY: Give me a sense of what happened in the committee, how the discussion went, and who said what and what points were made.

MARKS: Well, the Assembly was very determined that it be part of our bill, and they were not willing to change it. I tried to convince them but they were just determined to do it.

SENEY: So you couldn't get them to budge on this.

MARKS: No.

SENEY: No threats, offers, reason, nothing worked.

MARKS: Nothing.

SENEY: They had clearly made a decision, had they not, at the leadership level to pursue it in that fashion?

MARKS: Yes.

SENEY: At this point, of course, the Assembly GOP seemed sort of surprised, did they not, after the veto? I mean, there was apparently some surprise on their part, that the governor had not gone along. Were the Republicans happy with the Assembly plan?

MARKS: No, they weren't. They were very unhappy with it.

SENEY: So you only had essentially one part of the Republican Party along with you and that was Senate Republicans.

MARKS: Right, right.

SENEY: And Willie Brown just adjourned and left town essentially, didn't he, after

that.

MARKS: Right.

SENEY: And the governor vetoed it.

MARKS: That's right. And then turned it over to the supreme court. I appeared before the supreme court and argued for our plan and talked about our plan, it was still perfect and that they should do that, should not modify the bill, but I didn't do very well.

SENEY: Did they ask many questions of you while you were appearing?

MARKS: No. They asked me what kind of votes we got and things like that and I told them.

SENEY: They were curious to know then what the vote breakdown was in favor of it.

MARKS: Right.

SENEY: When they came out with the first plan, was that the one that did you so wrong? Was that a pretty thorough-going modification of the Senate plan?

MARKS: It was quite a modification of the plan. Kopp always said it did what he wanted. I don't think it did but he said that.

SENEY: He liked it.

MARKS: He liked it.

SENEY: But your immediate reaction was to share with the press your

disappointment here in this.

MARKS: I was disappointed because I was out! I was completely out.

SENEY: Then how long before the next plan, the final plan was put into effect? They withdrew this one, I take it, or did they withdraw it or did they just modify it?

MARKS: They modified it. I'm not quite sure how they modified it, whether they just issued a new order, or whatever it was, but they modified my district. They modified the number of my district so I could run.

SENEY: Did they change the boundaries too as well as the number?

MARKS: No, no.

SENEY: They just modified the number of it.

MARKS: Right.

SENEY: But that was enough to obviously allow you to run for reelection--

MARKS: Right.

SENEY: --in what turned out to be not a particularly modified district at this point.

MARKS: That's true.

SENEY: How do you feel about that whole experience in terms of that reapportionment?

MARKS: Well, I think it would have been better if the Legislature had handled the bill rather than the courts. The original plan had me out of my district. I mean, I was still in Kopp's district but when the plan was decided, I had to

move out of my district. I moved into another area of San Francisco where I represented that area. When the election was over, after I got a supreme court decision -- I mean, a Legislative Counsel's opinion that I could move wherever I wanted to, I moved back into Kopp's district. I live in Kopp's district.

SENEY: You mean, your 55 Jordan address is in Kopp's district.

MARKS: Right.

SENEY: How far are you from your district?

MARKS: About eight blocks. And I'm convinced that that was done on purpose.

SENEY: Well, you know, certainly the Republicans felt very strongly that [Chief Justice] Rose[Elizabeth] Bird and the supreme court in the early '80s ruled in a partisan fashion to the advantage of the Democrats over the 1980 reapportionment. I've been told by other people that I have interviewed, Republicans particularly, that that was really the key issue underneath that motivated the Republicans to oppose her in 1986 and get her defeated. I mean, the public issue may have been crime and that she was soft on crime and that [Associate Justice Cruz] Reynoso was and that [Associate Justice Joseph] Grodin was, but the real issue under there was reapportionment. Do you understand that way as well?

MARKS: It may have been.

SENEY: I mean, you're nodding your head yes.

- MARKS: I really don't know.
- SENEY: So by the time the supreme court is constituted in 1990, it's a very Republican court, isn't it?
- MARKS: It's very Republican. Only one Democrat -- [Associate Justice Stanley Mosk. He was the only Democrat on it.
- SENEY: A Pat Brown appointee.
- MARKS: That's right. A long time ago.
- SENEY: So your feeling is that this was deliberate on their part.
- MARKS: I think so. I can never prove it nor really publicly would attack them, but I really think it was probably deliberate.
- SENEY: Let me get one thing straight here. You were appointed in '86 to head the Senate Elections Committee.
- MARKS: Right.
- SENEY: But reapportionment was then added to that in '91, I take it.
- MARKS: Ninety-one, yes.
- SENEY: And so you took over both of those functions in 1991.
- MARKS: Right.
- SENEY: But you're no longer chair of that committee.
- MARKS: No.
- SENEY: Which committee is it that you're chairing now?
- MARKS: Criminal Procedure.

- SENEY: That's an important committee, isn't it?
- MARKS: It's very important. It's the busiest committee in the Legislature other than the Appropriations Committee.
- SENEY: What are you handling now in the Criminal Procedure Committee?
- MARKS: We have about fifty of the Assembly bills that came over from the Assembly that are in my committee. Over fifty. So we have a greater number of bills coming over from the Assembly in that committee than any other committee.
- SENEY: And the Assembly, as it's constituted now, with a very bare majority, is a very conservative Republican Assembly, isn't it?
- MARKS: Very.
- SENEY: Do those bills reflect that conservatism?
- MARKS: Yes, I think they do.
- SENEY: Which among them would reflect that conservatism, do you think?
- MARKS: Oh, ones about not being able to marry a gay person.¹
- SENEY: That's before your committee?
- MARKS: I'm not sure that is or isn't, but a lot of bills that relate to the -- I have a whole list of bills, which I don't have here in front of me. I can get it for you.
- SENEY: Okay. Let me just ask you about one of them. There is the one that the

¹ A.B. 1982 1995-1996 Reg. Sess., (1996).

Assembly passed easing the concealed weapons permit law.¹ That's going to come through your committee.

MARKS: Yes, it will.

SENEY: Think it'll pass?

MARKS: No. I don't think so.

SENEY: You're pretty sure, Mr. Chairman.

MARKS: I'm not sure; I've no idea.

SENEY: At this point in terms of legislative procedure, can you put a bill in your pocket and just not bring it up for a vote?

MARKS: No, I can't. I never would.

SENEY: I'm not saying if you would or not, but I'm just saying under the rules, you can't do that. You can't just say, "Oh, that's not on the agenda, we may get to it next time and next time."

MARKS: No. You could in the old days but not now.

SENEY: Under current legislative procedure, that kind of thing would not be permitted.

Is there anything else you want to add about the reapportionment?

MARKS: No. I just think that we did a good job and we had hearings up and down the state of California where we had everybody have a chance to participate in them and everybody an opportunity to be heard. We

¹ A.B. 638 1995-1996 Reg. Sess., (1996).

eventually came up with a bill which was approved by every member of the Senate, with three people absent.

SENEY: Do you think in the future, when there's a situation like there was this time and in 1970 where you have one party controlling the Legislature and another party controlling the governorship, that they'll ever be able to agree on reapportionment, or is it something that the courts are likely to continue to keep doing?

MARKS: It's hard to tell what they're going to do. It depends on what the governor would do. Had the governor signed my bill it would not have been going to the court.

SENEY: For the Senate one.

MARKS: Right.

SENEY: Why don't we talk about the governors a little bit at this point. You've talked about Pat Brown. We talked extensively about Pat Brown, who just died last week.

MARKS: I went to his funeral.

SENEY: Yes. At the age of 90. I know you did. And even though when he left office -- he had suffered a pretty big defeat at Reagan's hands -- over the years the perception of him has changed, hasn't it?

MARKS: Right.

SENEY: How would you describe that?

- MARKS: Well, I think as people get older and as they leave, probably they change their positions, but I never changed my position at all. I always thought he was the best governor we ever had, in my lifetime.
- SENEY: Well, a lot more people would agree with you now, wouldn't they?
- MARKS: That's right.
- SENEY: In both parties.
- MARKS: I really felt he was an excellent governor. He may have had advantages that the present governor doesn't have because he had more money and was able to do more things, but he was an excellent governor.
- SENEY: Wasn't the attitude of the times different then too? Didn't people want public works and want spending?
- MARKS: Right. ,
- SENEY: You know, my recollection -- and please correct me if I'm wrong -- is that the Legislature would essentially draw up the budget, what needed to be spent, and then they would adjust the income tax to pay for what needed to come in, and that there wasn't a lot of quarrel and argument about it.
- MARKS: There wasn't. The Legislature wasn't as partisan as it is now. It's way too partisan, in my opinion. Even though I'm a partisan, but it's way too partisan.
- SENEY: Let me ask you about the Legislature a little bit later, if I can, so we can kind of keep them separate. It's hard to absolutely. But Governor Reagan

was a very different kind of governor, was he not?

MARKS: He was very conservative, extremely reactionary. He was a charming man. He was very charming. He made good jokes at events, and you could laugh with him, but you were annoyed at his procedures.

SENEY: And yet, we talked about how Pat Brown and you met frequently to talk about--

MARKS: Once a week.

SENEY: To talk about all kinds of things but especially politics in San Francisco.

MARKS: Right.

SENEY: He must have used you kind of as an informant, I guess, on that.

MARKS: Right, right.

SENEY: And he was certainly accessible. If you wanted to see him, you could call him.

MARKS: Anytime.

SENEY: Any member of the Legislature could do that. And wasn't Governor Reagan the same way? Couldn't you get in to see him as well?

MARKS: I got in to see him a lot because he called me down a lot.

SENEY: He was calling you down, I take it, to urge you to be a little more Republican?

MARKS: That's right. Every time. Two or three times a week I'd be called down to his office.

SENEY: Tell me about any one of those conversations.

MARKS: Oh, he'd berate me and say that the Republicans all voted this way and you should have voted that way, and once in a great while I would say, "Yes," but usually I would say "No, I'm not going to."

SENEY: And that's the way it would end.

MARKS: That's all.

SENEY: What was your feeling about Governor's Reagan's grasp of the details of state government?

MARKS: He was pretty good. A lot of people say he wasn't but I thought he was pretty good. I'm not sure what his grasp was but I thought it was pretty good.

SENEY: You had the feeling he knew what he was talking about, in other words.

MARKS: Yeah. I'd disagree with.

SENEY: Right. What about Jerry Brown?

MARKS: Jerry Brown was a little bit peculiar. He didn't get along well with a lot of Democrats. There were more veto overrides in his term of office than there were under Reagan or Wilson or anybody else. Deukmejian.

SENEY: Did you ever deal directly with him on anything?

MARKS: Yeah. I once saw him during a campaign. He had endorsed my opponent, the Democratic opponent, and he said have a picture taken with me.

SENEY: Well, that was Mendelson, wasn't it?

MARKS: I think so.

SENEY: That he endorsed in '76.

MARKS: And I said he'd have to take a picture with me, so I did, take a picture with him.

SENEY: What was he like to deal with?

MARKS: I wasn't as close to him as I was to his father.

SENEY: Did he know you'd been close to his father?

MARKS: Oh yeah, he did. He must have. I was extremely close to his father. I mean, I was really his father's buddy in a way. I was a Republican, an Assemblyman, but I was still greatly close to this Democratic governor.

Young Jerry Brown oftentimes would propose things that were opposed by Democrats. He would veto things that were proposed by them. And he paid little or no attention to the Democratic doings of the Legislature. I was a Republican then in those days but I didn't like it.

SENEY: How would you evaluate him as governor? What do you think his eight years were like?

MARKS: Fair. I think the fact that he didn't get along well with the Legislature made it difficult for him to proceed properly.

SENEY: You know, I'm told that although he didn't get along well with the Legislature, that the Legislature was more influential because he didn't interest himself in a lot of things.

MARKS: That's right.

SENEY: So the Legislature took initiative more than it might have otherwise. Is that your impression?

MARKS: That's right.

SENEY: And that on boards and commissions that were created during that period, he allowed the legislative leadership of the houses to have appointments on board that others had never done.

MARKS: That's right.

SENEY: Did you get the feeling that maybe the Legislature had a little more power then when he was governor?

MARKS: Well, they had more power because the Democrats would vote to override the vetoes. The vetoes were almost always overridden.

SENEY: If I were to ask you, do you think he was a good governor, a fair governor, or a poor governor?

MARKS: Fair.

SENEY: How about George Deukmejian?

MARKS: George Deukmejian was very difficult. A very difficult governor. I think I changed parties when he became the governor.

SENEY: Let me turn this over, Senator.

[Begin Tape 11, Side B]

SENEY: I'm sorry, as I was turning this over, we were talking. You changed parties in '86. He became governor in '82.

MARKS: I look upon him as a person who was not as difficult as Wilson has been. I used to think he was very difficult but now I don't think he was that difficult.

SENEY: How do you recall him as being a senator? He was a Senate colleague of yours for some years.

MARKS: Spoke a lot.

SENEY: He spoke a lot?

MARKS: Yeah. He was the Republican leader.

SENEY: What was your impression of him? Did you vote for him for leader, by the way?

MARKS: Probably. I don't know who ran against him. I thought he was a very able man. He spoke very well. He was very aggressive. He spoke on issues of concern to him on the floor quite a bit.

SENEY: I understand that that was mostly crime legislation. Is that your recollection?

MARKS: A lot of crime legislation, yes. He vetoed a lot of my bills.

SENEY: Well, not just yours.

MARKS: A lot of bills.

SENEY: Do you remember any in particular that annoyed you that he vetoed?

- MARKS: At the time. If I looked at them now I probably would feel the same, but I can't remember now.
- SENEY: Let me see if I can remind you of some of them because I do have a list of the ones that were passed during that period. Let me see. You had a lot that were signed. I mean, he did sign numbers of the bills that you passed. I know that there were a number of newspaper articles that indicated that you were unhappy with the fact that he had vetoed some of your legislation. Here's one that he vetoed. Senate Bill 1166. This would have been in the '85-86 session. It makes various changes in the laws governing the Coastal Conservancy procedure for acquiring, managing, and disposing of property, including limiting leases of property held by the Conservancy to ten years unless a longer term is authorized and so forth, and that one he vetoed. Do you remember that one?
- MARKS: Yeah. He was not supportive of the Coastal Conservancy, which I was.
- SENEY: In fact, he did everything he could to kill it off, did he not? Starve it through the budget process and that kind of thing.
- MARKS: Right.
- SENEY: By the way, I should ask you, does he stand out at all as attorney general? Do you remember him? Of course, he left the senate in '78 when he ran for attorney general.
- MARKS: I'm sure if I thought about it I would be able to say whether he stood out,

but I don't recall very well.

SENEY: A lot of people were not surprised that he ran for attorney general. I mean, given his interest in the Senate in crime legislation and criminal sorts of things that that made sense. Did it surprise you that he became governor?

MARKS: A little bit. He almost didn't.

SENEY: Yeah, it was a very, very close race.

MARKS: [Tom] Bradley beat him on the regular election. He won on the absentee ballots.

SENEY: Right. Well, that's the first time that the absentee ballot had been used so widely, wasn't it, in that '82 election.

Apart from vetoing legislation, did you deal with him much directly,

MARKS: Yeah.

SENEY: Even though he might listen to you a little bit. You mentioned dealing with Mr. Meese under Reagan. What was Jerry Brown's staff like to deal with? It would have been Gray Davis for a long period of time and B. T. Collins.

MARKS: Yeah, B. T. Collins. A little flamboyant, a little bit different.

SENEY: Competent, able, do you think?

MARKS: Competent and able but a little bit aggressive.

SENEY: Did Deukmejian's staff -- were they different at all? [Steven A.] Merksamer was his chief of staff for some period of time. What was he like to deal with?

MARKS: He was okay. I didn't deal with him too much. I don't have any particular feelings about his staff at all. His staff were people that occasionally I would talk to on bills that he was going to veto of mine.

SENEY: Did they have the courtesy to call you first and tell you?

MARKS: They would talk to me.

SENEY: So they would call you up and say by the way, the governor's vetoing this.

MARKS: Right.

SENEY: You know, one of the things I know that Governor Deukmejian paid particular attention to was judicial appointments. Did you notice that? Did you realize how carefully he was going over those?

MARKS: The judicial appointments were not too bad. They were quite conservative but they were basically able people.

SENEY: I know that's something he spent a lot of time on personally and put a lot of effort into. You were aware of that, were you, that he was doing this himself?

MARKS: Right, right. He was able.

SENEY: Right out of the gate in the Deukmejian administration there was controversy. You know, I've been told by people I've interviewed who were part of the Deukmejian administration that one of the things that he wanted to do as governor was to reassert the kind of prerogatives that the governor had had before Jerry Brown. And let me say too, my understanding is that there was a lot of unhappiness in the Legislature with Jerry Brown. He wasn't all that popular with them and so forth and here comes George Deukmejian and he's going to be governor. He's been a senator, he's been an assemblyman. There was the real hope that the relationship between the Legislature and the governor would improve. Did you have that feeling? Do you remember that?

MARKS: Yeah.

SENEY: And it didn't, did it?

MARKS: No.

SENEY: I mean, right away there were questions over the budget and what not that

soured relations.

MARKS: That is true. There was a very strong Democratic opposition to most of his proposals. Occasionally a little bit Republican but not too much.

SENEY: Do you remember the controversy over him wanting to live in the Governor's Mansion and the Legislature not letting him?

MARKS: That's right.

SENEY: Did you take any part in that?

MARKS: I participated in it.

SENEY: How so?

MARKS: I think I agreed with the Legislature.

SENEY: To keep him out of the mansion.

MARKS: Yeah.

SENEY: What was the issue there? Was it expense?

MARKS: Basically expense.

SENEY: Because, you know, the Deukmejian people kind of saw it as just poking him gratuitously, you know.

MARKS: No, I think it was basically the expense.

SENEY: So as far as you're concerned, it wasn't just petty partisanship.

MARKS: I don't think so.

SENEY: Do you remember the controversy over Michael Franchetti becoming director of Finance and not being approved as director of Finance?

MARKS: I know Michael Franchetti.

SENEY: Remember, he was appointed and it turned out that when he had worked for [Attorney General] Evelle Younger's office there was information that had come out of Evelle Younger's office apparently through Franchetti's that was used by Mike Curb in 1978 against Mervyn Dymally, when Curb defeated Dymally for Lt.. Governor, that Dymally was about to be indicted. None of it was true apparently. Do you remember that?

MARKS: Yeah.

SENEY: And that Dymally, who was he in the Congress at this point. I think he had been elected to the Congress in 1980. Came back and objected strongly to Franchetti's being confirmed, and he was not confirmed.

MARKS: I remember that.

SENEY: Did you play any role in that at all?

MARKS: I participated with the Legislature. I agreed with them.

SENEY: That he should not have been confirmed.

MARKS: No.

SENEY: Was this based on a kind of--

MARKS: I was a friend of Dymally's.

SENEY: Right. Dymally was a very popular personally, wasn't he?

MARKS: With some.

SENEY: I'm told that he was liked -- I guess by some obviously -- and a likable

individual. Enough, in this case, that Franchetti got turned down.

MARKS: Right.

SENEY: And my understanding is that the governor was very annoyed by that.

MARKS: He probably was.

SENEY: And I guess what I'm getting to here is do you think that all of these vetoes were in part a kind of anger that the governor had toward the Legislature?

MARKS: I thought he was vetoing my bills -- maybe he was vetoing other people's bills too.

SENEY: Well, he vetoed a lot of bills and not just yours. I mean, he did veto a lot of bills, there's no question about it.

MARKS: I felt that sometimes his position was ridiculous. I also must say that I cannot understand a veto that Jerry Brown did of a bill of mine which allowed for explaining what a "yes" vote or a "no" vote means upon a proposition¹. He vetoed that bill. It went to him. I never understood why he vetoed that bill.

SENEY: This was part of the ballot proposition language?

MARKS: Yeah. It called the Legislative Counsel to explain what a "yes" vote and a

¹ Unable to verify. In 1965 the legislature passed, and Governor Pat Brown signed, a measure authored by then Assemblyman Milton Marks that requires the Legislative Counsel to prepare an impartial analysis, in general terms, showing the effect of a "yes" and "no" vote on ballot measures, as well as a detailed analysis of the measure. A.B. 742 1965 Reg. Sess., Cal. Stats., Ch. 2063.

“no” vote meant, and he vetoed that bill.

SENEY: Did he ever explain to you why?

MARKS: No.

SENEY: You ever ask him?

MARKS: No.

SENEY: What is the etiquette? Can you ask in a case like that?

MARKS: Sure you can, but it doesn't do any good.

SENEY: They may or may not tell you, in other words.

MARKS: Well, if they're considering it at the time you can ask them, but if they've vetoed it they can't unveto it.

SENEY: What other aspects of Deukmejian do you remember now? What stands out about him in your mind?

MARKS: Well, I remember a number of parties he had that were very good, where his wife was present, as were his children. I got along with him fairly well, even though I didn't agree with his position on a lot of my bills. I don't find him as difficult as Wilson.

SENEY: Well, let's talk about Governor Wilson now.

MARKS: Well, Governor Wilson's a man that I served with in the Assembly a long time ago, many years ago¹. I thought he was progressive. He's very conservative now but I don't think he was conservative then.

¹ Governor Wilson served two terms in the California Assembly, 1967-1971.

- SENEY: How do you explain the change in him?
- MARKS: He just becomes more conservative as he gets older.
- SENEY: Is it, do you think, because the Republican Party has become more conservative as well?
- MARKS: Probably.
- SENEY: And if he wants to be elected he needs to do that?
- MARKS: Maybe he does too. I don't know. But he was a fairly progressive Republican and I liked him. I must say that ever since I became a Democrat he's been terribly offensive to me. I once said to him that I wanted to sit down and talk to him. Instead of taking me up on it he just passed it off.
- SENEY: You mean since he's become governor?
- MARKS: Yeah. He vetoes a lot of my bills which I think are ridiculous. Some of his vetoes are ridiculous. Some I understand but some I don't.
- SENEY: Why do you think he's vetoing the ones that you don't understand?
- MARKS: I think it's because I became a Democrat. I think he got very unhappy with me when I became a Democrat.
- SENEY: I've been told by Republicans that he is a very partisan individual.
- MARKS: Very.
- SENEY: And is also someone who's not likely to forget a slight or opposition.
- MARKS: That's right.

- SENEY: Or in your case what he may regard as kind of treason in a way.
- MARKS: Probably.
- SENEY: Switching parties. You know, he supported a couple of pieces of legislation and I want to know what you think on this. Proposition 187¹, the restrictions on the privileges of immigrants.
- MARKS: I was very much opposed to that proposal. I still am. I think it was a disgraceful proposal that was probably unconstitutional.
- SENEY: Well, it's wending its way through the courts now, isn't it, to determine that.
- MARKS: I remember going to a meeting just before the election with the Roman Catholic Archbishop of San Francisco who was very much opposed to it also.
- SENEY: Archbishop [John] Quinn, who just retired?
- MARKS: Yeah. Very much opposed to it.
- SENEY: And you know, Governor Wilson's also now embraced anti-affirmative action policies².
- MARKS: I disagree with him on that too. I think people are entitled to the full representation of the Legislature in every aspect of our society. I think

¹ November 8, 1994.

¹ Proposition 209, November 5, 1996.

they should be treated equally.

SENEY: Do you see this as a kind of worrisome trend, this anti-immigration business and the anti-affirmative action?

MARKS: Yes, I do. Because there isn't a person anywhere in the world, that I can think of, that is not an immigrant, son of an immigrant or daughter of an immigrant. Everybody, including Wilson. He's the son of an immigrant at some time back, somewhere. I think it's terrible to differentiate between people who've helped our society very much. I don't want to help people who've broken the law, but I think people who work in our society, who are employed by businesses that need their help are entitled to full representation.

SENEY: Any explanation of why he's taken this tact?

MARKS: Politically, it's a very good move. Politically, it probably helps him.

SENEY: What else would you say about Governor Wilson? I mean, you never meet with him, I take it.

MARKS: I rarely do. I see him occasionally.

SENEY: But this would not be one-on-one, face-to-face meetings.

MARKS: No. Rarely.

SENEY: Does he meet with the Legislature much?

MARKS: He must, but he doesn't meet with me. Maybe he meets with the Republicans. I'm not sure. I think he occasionally has lunches with

Republicans -- dinners. But I've never been to any -- I've been to his house for dinner.

SENEY: How would you rate him so far as governor?

MARKS: I think he's terrible. I think he's very narrow and very conservative and very reactionary and very Republican. He does things that are really awful to help him politically, and he is a good politician.

SENEY: Are you surprised at how he's turned out as governor?

MARKS: Yes, I am. Because he wasn't that way in the Legislature. I'm not sure what he was as mayor. I've no idea.

SENEY: Well, he wasn't particularly known as a right-wing United States senator when he was in the Senate prior to being governor, was he? So you don't hold out much hope for him.

MARKS: No, I don't. I think he's going to do very poorly. The last budget that took so long for us to do was largely his fault. He didn't come forward with a budget at all. We asked him to try to send us a budget; he wouldn't do it. He was terrible.

SENEY: One aspect of his budget is a tax cut proposal. Do you think that's going to go anywhere?

MARKS: I hope not. I think we cannot afford a tax cut at this time.

SENEY: Well, apparently that's what the public opinion polls display, that the people don't agree with that.

MARKS: That's right.

SENEY: But he seems bound and determined, does he not, to cut taxes.

MARKS: He's a very determined man.

SENEY: You know, I've heard it said that his staff person Otto Bose, who died--

MARKS: He was a great help to him.

SENEY: Yes. Who died very quickly after he became governor. Collapsed and died, I think, what? playing handball or something like that. Do you think it might have made a difference if Mr. Bose was still around?

MARKS: He might have. He was very close to him. Very much dependent upon him. But I'm not sure politically, I really don't know what he would have done.

SENEY: Right.

MARKS: He's very, very narrow. Very determined to do what he wants. He rarely comes to the Legislature. He once in a while came to the Democratic Caucus last year -- a couple of years ago -- and expressed his views, but very rarely.

SENEY: Do you think his running for president has had the effect of making him more conservative?

MARKS: Well, I can't understand why he ran for president, because he had specifically said he was not going to run. I think he's bound up by the Republican Party which is itself very conservative and he's become more

conversant with them.

SENEY: You know, when Kathleen Brown, the daughter of Governor Pat Brown and the sister of Governor Jerry Brown, ran in 1994 against him, she looked at first like a sure winner, didn't she?

MARKS: She was. She was ahead.

SENEY: What happened in that campaign, do you think? What's your political judgment on why it went the way it did?

MARKS: Politically, he was smarter on [Proposition] 187. I mean, I think he was wrong but I think he was smart on it. It probably helped him politically. Some of the issues he did were important issues, important politically. I don't think she took off against him enough. Her campaign was not as well focused as it should have been. When she would debate him, she didn't do as well.

SENEY: Well, it was a surprise. People felt she was a sure winner and he looked very wounded before that election occurred.

MARKS: That's right.

SENEY: Is there something else you want to add about Governor Wilson. Anything else?

MARKS: No. I just think it's unfortunate because I think he's an able man. A lot of intelligence and, undoubtedly, he works very hard, but I just think he's very narrow and I'm disturbed about it. I really am disturbed about his

relationship with me and with most of the Legislature.

SENEY: Are you pessimistic about the course that the state is taking at this point with the governor's policies and the way the Legislature is behaving?

MARKS: I think the Legislature basically has done what it's supposed to do. Last year on the budget we did an awful lot in the budget committees to try to do something about the budget and then he called the leadership down to his office to try to do something about changing the situation. I don't like that. I think the Legislature should try to decide some of the areas of the budget.

SENEY: Right. All right, why don't we take a break?

MARKS: Okay.

SENEY: Good.

Session 7, February 28, 1996

[Begin Tape 12, Side A]

SENEY: Good afternoon, Senator.

MARKS: Good afternoon.

SENEY: We were talking, just before the tape went on, about a subject that I want to ask you about, and that is some of the recent misbehavior by three members of the Senate and sort of the general climate as you see it of ethics in the Senate.

First of all, let me ask you if, in your experience all these many years, if you think there is much corruption in the Legislature.

MARKS: No, I think the California Legislature is pretty good. It's very good. I think the Democrats as well as Republicans have generally done what they're supposed to do and have not violated their trust.

SENEY: I know, because we talked before, that you travel around the world and visit other legislative bodies when you do travel. Now, some of those probably are corrupt, are they not?

MARKS: Probably are.

SENEY: In some countries it's just part of the expectation, isn't it, that officials are on the take.

MARKS: I think California is very good.

SENEY: Now, the three people that I want to ask you about are Alan Robbins and

Joe Montoya and Paul Carpenter, the three members of the Senate, and then the lobbyist named Clay Jackson. And I want to ask you first about what was known as ABSCAM. If you remember, that was the FBI -- and I believe it was 1986 or 1987 -- had set up a phony shrimp company and were hoping to get legislation through the legislature which would be a financial advantage to this company and they came in with the intent of seeing if they could corrupt people. Do you remember that?

MARKS: I do. I didn't know about it at the time because I voted for the bill. The bill had no problems with it at all, as far as we know. I think everybody in the Senate voted for it -- or just about everybody did.

SENEY: Well, it was a bill which gave some bonding authority, as I remember, the ability to sell some bonds, guarantee some bonds for a company that was going to be over in Yolo County.

MARKS: That's right.

SENEY: Create some jobs and that sort of thing. And I take it, like most of the members, as you say, you didn't know anything about this until it actually broke in the papers.

MARKS: No, I didn't. I later found out the man who was t trying to trap the people was somebody who worked for me but they never told me about it.

SENEY: Who was that?

MARKS: What's his name--

SENEY: [John] Shahabian.

MARKS: He worked for my committee, but he never told me he was involved in this at all.

SENEY: Now, he was the first one that was snared by this investigation, if my recollection is correct.

MARKS: I think so, but I never knew about it.

SENEY: But then he, to extricate himself, agreed to wear a wire.

MARKS: I never knew about it.

SENEY: He obviously never came to you and discussed the bill with you.

MARKS: Never discussed it with me at all.

SENEY: He did go to Senator Carpenter though, didn't he?

MARKS: I don't know.

SENEY: Well, he did. He went to Senator Carpenter. Did he work for Senator Carpenter? Had he worked for Senator Carpenter at the time?

MARKS: I think he did at one time, but he was working for me at the time.

SENEY: So literally at the time this was going on, he was working for you.

MARKS: Yeah, but I never knew about it. He never told me about it. I fired him later on.

SENEY: Did you? When you found out about this?

MARKS: Yes.

SENEY: Well, my recollection is that it was Senator Carpenter that he brought into

this. There was Senator Carpenter and in the House there was, a Republican, Assemblyman Pat Nolan, the Republican leader in the Assembly, a woman whose name for the moment escapes me, my mind -- who was a staff member on the minority side in the House. Those people were investigated for it, and subsequently, I guess, Mr. Nolan pleaded guilty and accepted a sentence. What has happened to Mr. [Assemblyman Frank] Hill? Did he do the same?

MARKS: He went to prison. He was tried, he was found guilty.

SENEY: That's right. And at that time he had been elected to the Senate but he was tried for what he had done in the Assembly.

MARKS: Right.

SENEY: And I think this woman took a plea and testified against the other two.

MARKS: I believe so.

SENEY: Shahabian also took a plea and testified against Carpenter, if I'm not mistaken.

MARKS: I think he did.

SENEY: In the case of Alan Robbins, it was a little different. Someone turned he and a coastal commissioner named [Mark L.] Nathanson in for extorting money, do you remember, from a developer in San Diego County.

MARKS: I don't know too much about the cases at all.

SENEY: Okay, all right. Well, that's why I'm sort of filling in the details. I don't

expect you to know a whole lot about it. Robbins then, to cut a deal for himself, wore a wire and got Mr. Jackson, Clay Jackson, to implicate himself, the lobbyist. Something to do with workman's compensation and raising money for a bribe to pay Robbins and so forth.

Montoya was brought in on the ABSCAM business. He accepted money from them. That's sort of the background of what happened.

Do you have any idea why the FBI would come in and do this to begin with?

MARKS: I think they felt they had evidence. I really don't know whether they did or didn't. I found it difficult to understand that Clay Jackson was found guilty of anything. I don't think he did anything wrong. I was very disturbed that he was found guilty. The others, I really don't know about. I have no idea.

SENEY: Did it surprise you that Senator Robbins was charged with wrongdoing?

MARKS: I know nothing about the case, so I really don't know.

SENEY: I'm not asking so much about that. I mean, Senator Robbins had a certain reputation for ambition and whatnot and I'm wondering, if based on his reputation and so forth, if you thought, oh, well, that's no big surprise there, or my god, what a shock. Do you remember?

MARKS: I'd have to comment on the case, which I really don't want to do because I don't know anything about the cases, other than what I read in the

newspapers.

SENEY: Right. I guess I'm just getting you to sort of give me your view if you were surprised that these three individuals -- Mr. Montoya, Mr. Carpenter or Mr. Robbins -- turned out to have been convicted, or if this was a surprise to you given your ability as a politician to judge human nature, or if it wasn't a surprise.

MARKS: Well, again, I really don't want to comment about the cases because I really don't know enough about them. I must say that the trials were held before a judge who was very difficult -- very tough on people in the Legislature -- and he did all he possibly could to see that they were convicted. I have no idea whether they should or shouldn't have been.

SENEY: Well, there was a certain atmosphere as well, was there not, in which these trials were conducted, and that is a kind of public revulsion almost against the Legislature and skepticism about it?

MARKS: I thought that was very unfair because I felt that the -- it was unfair regardless of whether or not these people were guilty of anything, which they may have been, to charge -- to say the whole Legislature was equally guilty, because I don't think they were.

SENEY: You know, if I'm a lobbyist and I come to you and I give you a campaign contribution that's perfectly legal.

MARKS: Depends what you do it for.

SENEY: If does, doesn't it?

MARKS: If it's given to me for a particular bill, that's illegal. If it's given to me to contribute to my campaign, that's not illegal.

SENEY: Well, that's what I'm thinking is that the public sometimes doesn't particularly understand that if I'm a lobbyist and you and I have developed a relationship over the years and we generally agree and you support my legislation because you agree with it, I'm in the end going to end up contributing to your campaign.

MARKS: Well, Clay Jackson is a pretty good example of somebody who contributed to my campaign considerably but I always voted against his bills -- always -- and he knew I voted against them.

SENEY: Why would he contribute to you?

MARKS: He thought I was a good legislator. I really appreciate the fact that he contributed to my campaigns even though I never supported his propositions. I always said that whatever an insurance company wants they will get, what they don't want they will not get. And he was very good at that. I continually put in bills relating to the insurance companies that he continually defeated and he still contributed to my campaigns. I respect that.

SENEY: And you think he got a bum rap--

MARKS: I think he did.

SENEY: --in terms of being convicted. Just before we started, you said that you've had cases where lobbyists have come to you and promised to do something and not come through and then you won't have any more to do with them.

MARKS: Lobbyists would come to me and I would always ask them who they represented. I always said, "Who do you represent?" And then I would always ask to speak to the other side to hear everything. When a lobbyist would come to me and would say to me, "I don't represent anybody," when in fact it wasn't true, that would bother me very much.

SENEY: And if you found out that this lobbyist really did represent someone, would you have anything to do with him then?

MARKS: No, I would not. I've had lobbyists come in to see me that went contrary to what they said they were going to do, and when I found out about it I would never have anything to do with them in the future.

SENEY: Can you tell us a little more about what you mean by that? I know you may not want to name the lobbyists, but can you tell us a little bit more what you mean by that?

MARKS: Well, if a lobbyist comes to me and says, "I don't represent anybody, I'm just interested as a public citizen, that I will do such and such on a particular bill," and if that person doesn't do what they say they will do, that bothers me very much. It disturbs me very much. I think it's

dishonest. I think the greatest thing a lobbyist has is his honesty.

Lobbyists have come to me and said to me, "I don't think you should vote for this bill, even though I'm for it, because I think it'll hurt you in your district," which I find very respectful.

SENEY: In other words, they feel close enough to you to say, "Listen, this is my bill, I want the bill, but don't vote for it, it'll hurt you in your district."

MARKS: That is correct, and I find that's commendable.

SENEY: Doesn't that really tend to increase subsequently the influence of that lobbyist with you?

MARKS: Probably. Probably I would trust them because they told me the honest fact. I suppose that would have some influence. I don't really think I'm under the influence of any lobbyist. I know a lot of lobbyists. I've been here for 37 years so I know plenty of them. I talk to them but I always talk to the other side. So I think I'm not bound by anybody.

SENEY: In all your 37 years of experience, who would think is maybe the best lobbyist that you have dealt with?

MARKS: Clay Jackson was a very good lobbyist.

SENEY: What makes a good lobbyist?

MARKS: A person who gives you the facts, tells you what his position is from his standpoint, on his side of the position, and gives you the honest thing, and then also will tell you, if you ask him, what the other side of it is. I think

that's very good.

SENEY: And the good ones do that, don't they?

MARKS: Yes, they will.

SENEY: Who else besides Clay Jackson stands out in your mind?

MARKS: Dennis Carpenter is good. I've not agreed with him lots of times.

SENEY: Now, he's a former senator.

MARKS: I always agreed with him when I was a Republican. He always was opposed to me on everything. I always disagreed with him very much. I've told him that a number of times. When Dennis Carpenter left the Legislature, some people said they were sorry. I said, "I'm glad he left," because he was very difficult with me.

SENEY: But he's turned out to be a good lobbyist.

MARKS: He's a good lobbyist. Joe Gonsalvez is a good lobbyist.

SENEY: Now, he's another former member, isn't he?

MARKS: Yes. I served with him in the Assembly. There's so many of them, I'd have to look at the list of lobbyists.

SENEY: Judge [James D.] Garibaldi stand out?

MARKS: Judge Garibaldi was good.

SENEY: Do you know Paul Lunardi?

MARKS: Paul Lunardi was good. He was elected to the Assembly with me.

SENEY: That's right, he was. He began the same time you did. That's right. Do

the ex-members -- and I can't remember if Judge Garibaldi was a member ever or not.

MARKS: Yes, he was.

SENEY: He was, a long time ago¹, wasn't he? Do the ex-members have an advantage, do you think, as lobbyists?

MARKS: I don't think they have any advantage. I think they may know some of the people and I think that's helpful to them.

SENEY: Well, you knew and represented the district that had been represented by really one of the most legendary lobbyists in Jefferson Peyser.

MARKS: Jeff Peyser was a man that -- my father handled his campaign when he ran for supervisor.

SENEY: Is that right? Was he still active in lobbying -- he was when you came to the Legislature, wasn't he?

MARKS: Right. The wine industry.

SENEY: Do you remember him?

MARKS: Very well.

SENEY: What was it about him? People really speak highly of him.

MARKS: Well, he was very thorough. He would discuss a bill very actively and he would lobby everybody. He was very active in trying to get everybody to understand his viewpoint. Not everybody always agreed with him but he

¹ James D. Garibaldi served in the California Assembly, 1935-1939.

was very good. Not everybody agrees with everybody -- anybody.

SENEY: Can you imagine the Legislature functioning without the lobbyists?

MARKS: I think the lobbyists are very good. I think they do a lot of good for the people, I think provided you handle them the way I do, which is I always say, "Are you for or against the bill?" And they tell me, and I say, "Well, who's against the bill," if the person was for the bill, and then I would talk to the person who was against the bill. I like to listen to both sides because I think I get insight from their viewpoint of their own personal viewpoint of what they think is correct about the bill, or bad against the bill.

SENEY: They are kind of like an extra set of eyes and ears for you in a way, are they not?

MARKS: They're very useful, if the people are honest, which almost all the lobbyists are honest. I think they're very honest.

SENEY: And again, they have to be, don't they, because if they get a reputation for anything else, they are not effective.

MARKS: If they disabuse you, if they do something wrong, I'll have nothing to do with them.

SENEY: And the word will spread, won't it?

MARKS: That's right.

SENEY: Right, absolutely. I guess I've asked you about who you thought were the

most prominent lobbyists. Let me ask you a little bit about the press and your relationship with the press. Do you have much of a relationship with the press over the years? What's it been like?

MARKS: I see them occasionally. I see them in the back of the chambers. Sometimes they call me back there. Sometimes I go back there to talk to people, individuals. I've had a good relationship with most of the members of the press. I get along well with them.

SENEY: Do you find, as you read stories about yourself and what you've done, they're pretty accurate generally?

MARKS: Sometimes they're accurate, sometimes they're not. Sometimes they're totally inaccurate.

SENEY: Do you do much about that? Do you get after them?

MARKS: Yeah. I would read something about that I had said such and such when I hadn't said it at all and I would tell them, I said, "I didn't say this."

SENEY: What's your general impression and view of how well the TV and the newspapers cover what goes on in the Legislature?

MARKS: I think they cover it fairly well. Fairly well. I think the Legislature oftentimes is hurt by the fact that there aren't enough people from the press here or the radio here. The radio communication is usually very poor. Television is very poor.

SENEY: Television used to be better, didn't it? There used to be more of them

around.

MARKS: Yes, much better. It's not as good as it used to be. I think most of the press has been pretty good.

SENEY: What do you think about the television coverage that comes from the Legislature and is broadcast around the state?

MARKS: I watch it occasionally. It's very well done.

SENEY: Do you think that was a good innovation?

MARKS: It is.

SENEY: You supported that?

MARKS: I did. I wasn't too enthusiastic about at first. I thought everybody would get up and want to make something of themselves on the floor, but they didn't. They haven't.

SENEY: They probably don't even remember it's there most of the time, do they?

MARKS: They don't.

SENEY: Let me ask you about a couple of bills that are kind of important, especially to the, oh, the history of the state, I guess. One of them is Senate Bill 2264¹ that you sponsored for building the new Archives building. Do you remember how you got interested in that?

MARKS: Well, I've been interested in preserving historic entities and I've been active in that role for many years, and I think someone came to me asked

¹ S.B. 2264 1983-1984 Reg. Sess., Cal. Stats., Ch. 1516 (1984).

me to put the bill in. I've been in the Archives building since it's been built. It's a beautiful building.

SENEY: It is. It's a wonderful facility. You also, that same year, sponsored Senate Bill 1252¹ which established the State Office of Historic Preservation and the Heritage Task Force.

MARKS: Yeah. That was very important because that came up with a system under which the Historic Preservation facilities would be started and that we'd do something about historic preservation and try to preserve historic preservation. I think I started the historic preservation movement in a way.

SENEY: You mean get in early so that the buildings are put on the registry before they're threatened.

MARKS: Right, right.

SENEY: Let me ask you about your work with the disabled. This is something that you've been at for a long time.

MARKS: Many years.

SENEY: What got you interested in this area?

MARKS: Well, I used to get disturbed by the disabled community had no lobbyist. Had nobody to represent them. They'd come up on crutches or wheelchairs and they represented themselves on very difficult problems. I

¹ S.B. 1252 1983-1984 Reg. Sess., Cal. Stats., Ch. 1289 (1984).

just determined that I was going to set up a committee that would help the disabled community to try to better represent themselves.

SENEY: This is the Senate Select Committee on Disabilities.

MARKS: Yes, so I did set that up.

SENEY: Well you know, I think you started working on this before the disabled community was organized at all.

MARKS: They were just organized as individuals, but not as a group. They would have very few lobbyists.

SENEY: I'm curious if there was some experience that led you to this interest or someone you knew maybe that was disabled, maybe a family member?

MARKS: Well, I knew [Ed] Roberts, the man who was in the wheelchair, for many years, the head of the disabled efforts. He just recently died. I knew a number of people in the disabled community. I met a lot of them when I was campaigning or when I'd go around on my inquiries of my district. I met a lot of them up here. And I was very disturbed by the fact that they were ill-treated.

SENEY: What is it about Milton Marks that gets him interested in something like this? What is it about you as a person, do you think?

MARKS: I'm just interested in taking care of people. I want to help people. I think everybody is entitled to equal representation regardless of their strength or power, whatever they have, and I don't think there should be any

differentiation between individuals whether they're strong or weak. I think each person is entitled to full representation. I'm very disturbed about it when they're not.

SENEY: Was this a hard sell in the Legislature? Did you have difficulties in the beginning with this?

MARKS: Well, initially probably a little bit harder. People didn't think I should set up another committee, but I did and I was glad I did.

SENEY: When you want to set up a committee like this as a member of the Senate, do the other members pretty much go along with it as a matter of courtesy?

MARKS: It's usually done by the Rules Committee. The Rules Committee is the one that does it.

SENEY: But if you come to them with this and say, "I want to set up a disabilities committee," and make a good case for it, are they going to go along with it.

MARKS: In most cases. It depends what it is. If it's to set up an AIDS committee they may not.

SENEY: So there is kind of a political consideration.

MARKS: Right.

SENEY: But as long as it's not too far off, is it a matter of courtesy to the member to permit this to go forward?

MARKS: Yes, it is.

SENEY: You've sponsored so much legislation in so many areas. What do you think is the most important piece that stands out in your mind that's done the most for the disabled community?

MARKS: You've asked me a question which is hard for me to answer because I've done so much legislation. Tell me some of them.

SENEY: All right. I've got a page of highlights here. Let me mention some of them and maybe that will get you to think of one. For one thing, you declared from '83 to '91 that this is the "California Decade For Disabled Persons."¹

MARKS: I used to have that on my letterhead.

SENEY: Did you? And it was then that you created the Senate Subcommittee on the Rights of the Disabled.

MARKS: Right.

SENEY: This, I take it, was what you were trying to do here was just bring attention to the problem?

MARKS: Right. I wanted them to have a place where they could come.

SENEY: Right. Not only that, I'm thinking of declaring this decade of the disabled as a way of bringing it into the public view.

MARKS: I've been to a number of disabled conferences. I think they're very

¹ S.C.R. 15 1983-1984 Reg. Sess., Cal. Stats., Ch. 75 (1983).

important.

SENEY: It helps to build a general consensus behind an issue like this.

MARKS: Right.

SENEY: And then you also created the State Council on Developmental Disabilities.

MARKS: Right.

SENEY: And requiring the development of a state Developmental Disabilities Plan and provided for program evaluations for these plans.¹

MARKS: Because it is also part of the same problem.

SENEY: Right. When we're talking about developmental disabilities, are we talking about what we used to call learning disorders, that kind of thing?

MARKS: Yes, right.

SENEY: Dyslexia and other kinds of learning disorders.

MARKS: Right.

SENEY: That affects quite a few people, doesn't it?

MARKS: Many people.

SENEY: And then you helped to provide funding for independent living centers.²

MARKS: I happen to think that independent living centers are very important to the disabled community to have a chance where they can live independently --

¹ S.B. 1010 1981-1982 Reg. Sess., Cal. Stats., Ch. 563 (1981).

² A.B. 204 1979-1980 Reg. Sess., Cal. Stats., Ch. 191 (1979).

live under some control but they're somewhat independent. I think it's very important that every citizen of the United States should be treated the same whether they're disabled or not. I think they're exactly the same.

SENEY: You know, when you work, say, on something like this funding for independent living centers for the disabled, is it not only the disabled who take an interest in this but their families, their parents, as well?

MARKS: Right.

SENEY: Have they developed into a pretty good lobby group too, the parents and families of the disabled?

MARKS: They've been pretty good, yes. We've had a lot of hearings.

SENEY: Did you take an interest in sort of helping to get these groups formed so that they could spread the word and create support?

MARKS: Some of them I did, yes.

SENEY: I mean, I would take it, if you're interested in a field like this, one of the things you're going to say to the disabled is, "Listen, you've got to be organized, you've got to contact one another, you've got to be able to write letters and make phone calls when it's necessary." Do you go that far as to give that kind of advice to groups like this?

MARKS: I do. Right.

SENEY: And then you provided for state income tax credits for employment related expenses -- these are for employers -- necessary for disabled people to

work.¹

MARKS: I think everybody who's disabled, a person who's disabled, is entitled to be able to work. They are not guaranteed a job but if they're qualified, they should have a job and they should be given help, and that's what I did. It's the same area that I did for any form of discrimination. I don't think anybody is entitled to a job but everybody's entitled to an opportunity to participate in getting a job.

SENEY: Well, in this case you're kind of making it state policy and providing some help to the income tax system. If I as an employer want to hire a disabled person, I'm kind of encouraged to do that because there's going to be a little tax break for me to do that.

MARKS: Right. I'm in favor of helping the business community in that regard.

SENEY: And probably it would be difficult to encourage employment without that kind of incentive, wouldn't it?

MARKS: That is true.

SENEY: And then you supported giving families or other designated persons of mental health patients greater rights to be advised of the patient's prognosis² and allowed counties to support self-help programs for the

¹ S.B. 461 1981-1982 Reg. Sess.

² A.B. 2144 1979-1980 Reg. Sess., Cal Stats., Ch. 924 (1980).

mentally ill.¹ So in this you regard not only physical disabilities but mental disabilities too.

MARKS: I think anybody who is disabled is entitled to the full benefits of anybody who is not disabled. They may not be able to accomplish some of the things they want by reason of the disability, but they shouldn't be prevented from trying. No discrimination should exist toward them.

SENEY: And I guess as you get started with one group -- say, the people who are physically disabled -- then it brings you into the other areas too -- the mentally disabled.

MARKS: Right.

SENEY: And then the next one here we're talking about people who are really in a sense neither, and that's the deaf.

MARKS: I put a lot of bills in to help the deaf on juries and many other things.

SENEY: Right. On telephone programs²--

MARKS: Telephone programs, that's right.

SENEY: No person be deemed incompetent to act as a juror solely because of hearing loss, allowing for the presence of sign language interpreters in jury rooms during jury³ deliberations, requiring the courts to appoint an

¹ S.B. 1018 1988-1989 Reg. Sess., Cal Stats., Ch. 297 (1989).

² S.B. 244 1983-1984 Reg. Sess., Cal Stats., Ch. 741 (1983).

³ A.B. 3285 1979-1980 Reg. Sess., Cal Stats., Ch. 1227 (1980).

interpreter at public expense for deaf persons who are parties or witnesses in a civil action.¹ Because this was a big problem, wasn't it, in the courts in terms of access.

MARKS: It was.

SENEY: You fought against freezes in the cost of living for social security and developmental disabled programs.² Established housing assistance to low income disabled people who seek transition to independent living.³ And provided for property tax reimbursement, a portion of property tax reimbursement for qualified people who are disabled or blind who own their own homes.⁴

MARKS: All these bills passed, and were signed by the governor.

SENEY: Right. These are all things that you accomplished; not just put in the hopper but accomplished. Right?

MARKS: Right.

SENEY: And then provided tax credits for modification of housing units so they would be accessible to the disabled⁵, and gave them the rights to modify

¹ S.B. 1521 1983-1984 Reg. Sess., Cal. Stats., Ch. 768 (1984).

² S.C.R. 1 1981-1982 Reg. Sess. (1981).

³ A.B. 1037 1979 Reg. Sess., Cal. Stats., Ch. 1154.

⁴ A.B. 94 1979 Reg. Sess., Cal. Stats., Ch. 30.

⁵ S.B. 460 1981-1982 Reg. Sess., Cal. Stats., Ch. 275 (1982).

their condominiums¹, which I guess under some condominium rules might not have been allowed, right?

MARKS: That's correct.

SENEY: There's a whole list. I mean, you've really done a lot here. Provided for the rights of judicial review for guardianship and conservatorship and changed conservatorship laws to ensure least restrictive living environment.² Increased penalties for crimes against elderly people.³ That's a serious problem, isn't it?

MARKS: Elderly people are very important. I don't think there should be discrimination in the sense of giving them a benefit. I think they should be treated equally.

SENEY: But in this case, these are increased penalties for crimes against the elderly.

MARKS: Right.

SENEY: What, on the theory that they're more vulnerable? That they're likely to be victims.

MARKS: They have problems. They have great problems.

SENEY: You know, one of the things that you did was to put in legislation where

¹ A.B. 1605 1983-1984 Reg. Sess., Cal. Stats., Ch. 163 (1983).

² A.B. 1295 1978-1979 Reg. Sess., Cal. Stats., Ch. 681 (1979).

³ S. B. 1773 1981-1982 Reg. Sess.

the county could not take a child away from a mother simply because she had disabilities. Remember that case of the young woman in San Jose?

MARKS: Yes, I do. I remember that very well. I had a press conference down there.

SENEY: Yes. She had cerebral palsy.

MARKS: Right.

SENEY: They had taken one child away--

[Begin Tape 12, Side B]

SENEY: Let me repeat what I was saying, because the tape went off, and that was this case in San Jose where this young woman had cerebral palsy and had, I think, a two- or three-year-old child that had already been taken.

MARKS: I remember that case very well.

SENEY: And just had another baby and they had taken that child as well.

MARKS: That's right. It was disgraceful.

SENEY: Well, it was! I mean, the picture was, in the old phrase, "worth a thousand words," because the look on this young woman's face was heartbreaking really.

MARKS: That's right.

SENEY: She had no doubt that she couldn't really unaided care for these children, but what she wanted was some minimal aid that would permit her to keep

those children and care for them as a mother wants to. And that bill passed¹, didn't it?

MARKS: Right.

SENEY: And then you ensured that the child care programs for the severely disabled were continued through legislation.² And then there was some pending things here that at this point had not been passed. But you extended the right of equal access to housing accommodations and transportation available to guard dogs for the blind.³

MARKS: Yeah, I did that.

SENEY: You know, I remember when I lived in San Francisco, there was a case of a muni driver not permitting a blind person with a guide dog on a bus. Do you remember?

MARKS: That was wrong.

SENEY: Do you remember that as an instance that led to some of this?

MARKS: I remember it very well.

SENEY: And then signal dogs for the deaf and hearing impaired. Giving these animals equal access to housing accommodations and transportation as a

¹ Unable to verify.

² S.B. 21 1981-1982 Reg. Sess., Cal. Stats., Ch. 288 (1981).

³ S.B. 1240 1993-1994 Reg. Sess., Cal. Stats., Ch. 1257 (1994).

result of this incident.¹

MARKS: Correct.

SENEY: So you feel pretty good about what you've done for the disabled?

MARKS: Yes. I'm still trying to do it. I'm no longer the chair of the committee because when we reorganized the office, the person who was the consultant of my committee continued in another position. She does an awful lot of disabled work still, although I'm not the chair of the committee anymore.

SENEY: She remained with you though.

MARKS: Right.

SENEY: Who is that?

MARKS: Joyce Ripple.

SENEY: Do you regard that what you've done for the disabled as one of the high points of your career?

MARKS: I think it's very important that I did it.

SENEY: Because before you came along -- I mean, there were some people -- I know [Assemblyman Eugene A.] Gene Chappie was active too some. Did you work with him in the Assembly when he was in the Assembly?

MARKS: I did.

SENEY: Let me go ahead now to ask you about how the Legislature has changed in

¹ S.B. 548 1979-1980 Reg. Sess., Cal. Stats., Ch. 293 (1979).

the time that you have been a member. How is it different from when you entered in 1958?

MARKS: I think you were friendlier. The people in the Legislature, socially you met with a lot of people more when we were a part-time Legislature than a full-time Legislature. I think a full-time Legislature has driven us apart rather than together. I think it's unfortunate that you would have Democrats as well as Republicans work together, but you don't have very much of it, particularly in the Assembly. You have somewhat in the Senate but not too much.

SENEY: You know, when you first came here, it was a part-time legislature.

MARKS: Right.

SENEY: And the members would tend to live here and their families would not.

MARKS: My family came up when they were little babies. I've got to call my daughter [Caro]. It's her birthday.

SENEY: Oh, all right. Do you want to do that now?

MARKS: All right. Just let me call her.

[brief break]

SENEY:

All right, we were talking about the Legislature and the fact that when you first came that most of the members left their families at home. You said

you brought yours here when your children were young.

MARKS: My daughter, the one I'm calling, was about a year old -- six, seven months old. I brought her here. My wife became pregnant right away. She's adopted and--

SENEY: Oh, your daughter's adopted.

MARKS: The daughter's adopted and the other two children are natural.

SENEY: Was it the situation where you thought you couldn't have children?

MARKS: We waited about ten years.

SENEY: And then as soon as you adopted one you had two of your own?

MARKS: I was concerned that they would take her away because soon after we adopted her my wife became pregnant.

SENEY: That's interesting. That happens to people, doesn't it? I mean, that's not that unusual.

MARKS: Right.

SENEY: Well, it doesn't matter, does it, whether adopted or not. She's just as much your daughter.

MARKS: Oh, every bit.

SENEY: And she's a federal prosecutor -- or defender.

MARKS: Federal public defender.

SENEY: Does she enjoy her work?

MARKS: She enjoys it very much. It's hard work.

- SENEY: I'll bet it is hard work. Very long hours and very demanding.
- MARKS: Very long.
- SENEY: Where did she go to law school?
- MARKS: Vermont Law School.
- SENEY: Vermont?
- MARKS: She lived in Vermont.
- SENEY: Of course, you never really practiced criminal law, did you? So this is a kind of different practice.
- MARKS: I didn't practice too much. I was a judge of the criminal law.
- SENEY: That's right, you were. Well, let's go back to when the Legislature was first here. Most people didn't have their families here. I guess you said you did.
- MARKS: One year.
- SENEY: Just for the first year. You mentioned that you have read James Mills' book, *The Disorderly House*?
- MARKS: Yes, I have. He was my seatmate.
- SENEY: And he describes in there, you know, what I know you're familiar with and that is that the practice -- well, you tell me, what was the practice in terms of how members related.
- MARKS: We used to go together on picnics, all together. I remember I went with Mills a number of times, Mills and his wife, a number of times, and my

wife and my children. We'd go to picnics all the time. We'd go to social activities all the time. We had a great comradeship, a closeness of people. There was a great relationship between people. I think before the proposition passed that affected lobbying, I think it was much better then.

SENEY: Proposition 6¹?

MARKS: Because we used to have events of various kinds, once a week. Every week we'd go to the same thing and we'd go to -- the Moose Milk was a big event, and lobbyists by the carload were there but you never would talk about any bill at all, ever. The principle was established you were just there to enjoy yourself.

SENEY: Well, what's the advantage of that, Senator, to a body like this, where you have an event like that regularly where you don't really talk business?

MARKS: Well, you could talk to them if you wanted to. It's just the relationship became friendlier. It was probably good for lobbyists too.

SENEY: Well, this is an activity where you're going to be in conflict with one another on a regular basis on different sides of questions.

MARKS: Right, right.

SENEY: Are these social events then important to kind of keep you together despite the controversies.

MARKS: I just think it was a good idea to be able to work together closely because

¹ June 4, 1974.

here, I go home from here, I don't go out for dinner -- or I do go out for dinner occasionally, not too often. I don't go out as much as I used to go. When I was here my freshman term, I used to go out every night -- two or three meetings a night.

SENEY: In this period before the Legislature became a full-time body, that was regular, wasn't it, going out with Republican and Democrats going too?.

MARKS: Right. Everybody. Some of my best friends were Democrats when I was a Republican or a Republican when I was a Democrat, and they're just very close to me.

SENEY: Is this an important factor in explaining that the Legislature was less partisan in those days? What made it different?

MARKS: I think it was good because Unruh, who was a great leader of the Legislature, worked closely with Republicans as well as Democrats. He worked very closely with me when I was a Republican. The comradeship and the understanding of people who worked together is something that's very important.

[brief interruption]

SENEY:

You were saying that Unruh was a great leader and worked with Republicans?

MARKS: He worked very closely with Republican leaders. He was a great legislative leader.

SENEY: And made an effort at bipartisanship on important legislation?

MARKS: Bipartisanship. He was a strong Democrat but a great leadership to try to help the Republicans as well.

SENEY: You know, the Legislature has evolved into a much more partisan body over the years.

MARKS: It's way too partisan.

SENEY: How did that happen, in your view?

MARKS: I really don't know because when I was in the Assembly, I used to talk about the Senate caucus and they said there is no Senate caucus. There wasn't any caucus of any kind. And I think as we just got closer and closer in numbers and it became more partisan. In the Assembly the Republicans elected Willie Brown originally and he was very awful to the Republicans later on. Not awful, but he was difficult with them.

SENEY: In other words, as the party balance became more even, do you think they became more partisan?

MARKS: I think so. And they changed the seat arrangements so you'd have Democrats sit with Republicans and now your Republicans are on one side and Democrats are on the other side, which I don't like.

SENEY: It used to be sort of geographical, didn't it?

MARKS: Right, geographical.

SENEY: The seating arrangement. You know, I've interviewed other people who've said that in the 1967 election -- or after 1967 when a lot of Assemblymembers came into the Senate -- now, this isn't necessarily counting you because you came in in a special election, taking Senator McAteer's place, but when the Senate was reapportioned on a population basis and you had a lot of people moving then from the Assembly into the Senate, that they brought with them sort of the values of the Assembly into the Senate. Did you notice that?

MARKS: It's probably true. It's probably still true.

SENEY: And that that had an effect on the Senate.

MARKS: They're way too partisan. I mean, I'm a partisan too but I think you should try to work together with people.

SENEY: And there's just a lot less of that, right?

MARKS: Very, very little.

SENEY: You know, one of the major changes that's gone on in the Legislature since you've been here is the tremendous growth of the staff.

MARKS: Yes.

SENEY: How do you view that?

MARKS: Well, the staff is very important to all of us, to try to get our work done. I have a big staff, with the committees and all kinds and everything else.

It's very big. At times it's difficult to work with them but I think it was a little bit better when it was smaller.

SENEY: Does the growth of staff kind of create the need for staff? I mean, is it kind of spiraled in that way, do you think?

MARKS: It probably does.

SENEY: The more accustomed you get to aides, the more aides you want?

MARKS: Probably do.

SENEY: And then it becomes a matter of sort of status and influence within the body too, doesn't it? I mean, staff is allocated on that basis.

MARKS: That's true.

SENEY: So the bigger staff you've got the more important you are.

MARKS: That's true.

SENEY: And that's something a member has to think about, isn't it?

MARKS: It's true.

SENEY: In terms of the balance of influence between the members.

MARKS: I've had a staff for a long period of time. When I started out I had a half a secretary. I shared a secretary with one other member. That's all I had.

SENEY: Well, not only is staff important to the member's prestige but office is too, isn't it? I mean, as you said to me, this is a very nice office, a big office by comparison.

MARKS: Yes, it is.

- SENEY: So people infer something about your importance around here by the size of the office you have too, don't they?
- MARKS: They do somewhat.
- SENEY: You know, one of the things too that's clearly happened over the years is you spend a lot more money to get reelected.
- MARKS: In my first campaign, I first ran for office, it cost me \$3,000 to get elected. Now I spend over half a million dollars.
- SENEY: And you didn't really have much opposition.
- MARKS: No.
- SENEY: Do you feel that you still have to spend that much money to kind of ward off any opposition?
- MARKS: Probably do. It's very hard to raise money.
- SENEY: How much of your time, do you think, you spend raising money now?
- MARKS: Too much.
- SENEY: Could you put a percentage figure on it, do you think?
- MARKS: Ten percent, twenty percent.
- SENEY: And it would vary depending upon how close you are to an election?
- MARKS: Right, right.
- SENEY: Do you set certain goals per month, per six months?
- MARKS: Right now I'm trying to raise money for my wife, for her campaign.
- SENEY: Right. She's running for the board of supervisors in San Francisco.

MARKS: Right.

SENEY: And how's that fundraising going?

MARKS: The fundraiser is doing pretty well but she's got an awful lot of support. A tremendous number of people -- fifteen hundred people are supporting her.

SENEY: How much do you think that campaign's going to cost for supervisor?

MARKS: Two hundred and fifty thousand dollars.

SENEY: Two hundred and fifty thousand!

MARKS: She doesn't have it.

SENEY: But that's what you'll end up spending by the time it's over.

MARKS: Right.

SENEY: To be elected. Now, this is at large, isn't it?

MARKS: Right, right.

SENEY: For a first campaign.

MARKS: Right.

SENEY: Although the name is hardly unknown.

MARKS: No. My name helps quite a bit.

SENEY: Yeah, I would think so. Right, absolutely. Well, elections have certainly gotten more expensive, haven't they?

MARKS: Terrible. Way too much. I think they should be made retroactive to lower them.

- SENEY: It would be nice, wouldn't it? What proportion of that, say, half a million that you raised for your last election do you suppose came from individuals and what proportion do you suppose came from interest groups?
- MARKS: Probably two-thirds from individuals and a third from interest groups.
- SENEY: Two-thirds from individuals and a third from interest groups?
- MARKS: Probably.
- SENEY: Has that changed over the years? What would it have been, say, when you ran first for the Senate? Would it have been more from individuals and less from interest groups, or would it have stayed about the same?
- MARKS: About the same. I have a large file of cards, a huge file of cards.
- SENEY: I know you do, right. That you've honed over the years, that you have people who give small amounts. I see your thank you letters. I mean, \$25, \$20, \$50 and so forth. You get a lot of contributions in that amount, don't you?
- MARKS: Right.
- SENEY: But generally speaking, as time has gone on and the campaigns have gotten more expensive, this has meant more influence for the interest groups, hasn't it?
- MARKS: I think it they have some influence, but I really don't think that they--
- SENEY: I'm not talking so much about you in particular.

- MARKS: I think it's accessibility that they have, the ability to talk to me. I think that's important. I've had people who've contributed to me and my campaigns I've never voted for ever.
- SENEY: You mentioned Clay Jackson giving you money, and yet, you didn't really support what he wanted you to support.
- MARKS: Never did.
- SENEY: But others do as well. Is this, again, what they're buying from you is access, the ability to come in and talk to you?
- MARKS: Access. Just friendship.
- SENEY: How has the sort of public reputation of the Legislature changed since you've been a member?
- MARKS: I don't think it's as good as it used to be. I think it used to be considered the best in the country. I don't think it's now considered the best by any means. I think it should be but I don't think it is.
- SENEY: And what about the public perception by the people? That's gone down too, hasn't it?
- MARKS: It has.
- SENEY: I mean, you were answering another question I hadn't quite asked yet and that is how would you rate the California Legislature compared to other legislatures?
- MARKS: I would rate it high, but not as high as it used to be. It used to be number

one.

SENEY: Right. It was generally regarded as the best legislature in the country.

MARKS: Right.

SENEY: In the 1960's and in the early '70s.

MARKS: Right.

SENEY: In terms of the Legislature, let me ask you about the Assembly leaders.

You talked about Jesse Unruh as speaker. You were not in the Assembly when Bob Monagan was speaker.

MARKS: Yes, I was.

SENEY: Oh, you were.

MARKS: The only time I was ever under a Republican.

SENEY: What was that like? What kind of speaker was Monagan?

MARKS: Monagan was pretty good. He wasn't there too long.

SENEY: Right, one term.

MARKS: He was thrown out.

SENEY: Right.

MARKS: He was pretty good.

SENEY: And by the way, he was criticized by Republicans for not being partisan enough and if he'd been more partisan, some of them say, the Republicans might have maintained the leadership for longer.

MARKS: Maybe. I'm not sure.

SENEY: I know you were in the Senate at the time Leo McCarthy was speaker, but you knew him as a fellow San Franciscan of course.

MARKS: He was in the Assembly.

SENEY: That's right. You were in the Senate when he was speaker. But what is your view of him as speaker?

MARKS: Well, he was a good speaker. He got thrown out by this big battle between [Assemblyman Howard] Berman and him and I think that was very unfortunate because every day somebody would get up on the floor and move to vacate the chair, the Assembly speaker's chair. Every day they would be turned down, but they'd do it every single day.

SENEY: There was a lot of turmoil, wasn't there?

MARKS: A lot of turmoil. Willie Brown got elected as a result of it.

SENEY: Did that hang up your legislation that you were trying to get through the Assembly during that period? Did it make it tougher on you?

MARKS: I think it did. I think things slowed down considerably for everybody, not just me.

SENEY: What is your view of Willie Brown's speakership?

MARKS: Well, Willie was a very good speaker. I think that he was a man who was extremely able, unbelievably able. I can recall him, when I was a judge, appearing in my court a lot of times as a lawyer.

SENEY: Good lawyer?

MARKS: Good lawyer, and he's an excellent speaker, well organized. I think he got in at a time when the Republicans cooperated with him because they did not like McCarthy and they helped him and he got elected by them really, basically. It's hard to remember but it is true.

SENEY: And then he turned around and got enough Democrats elected he didn't need them anymore.

MARKS: Right.

SENEY: Let me ask you about a couple of the Senate people, that I didn't ask you about, on the Republican side. [Senator Kenneth L.] Ken Maddy, for example.

MARKS: I think Ken Maddy's an extremely able man. I like him very much.

SENEY: Now, he's just recently been replaced but he was a long-time leader.

MARKS: I think he was very good. He had at one time offered to become a Democrat too.

SENEY: Oh, he did?

MARKS: Many years ago. He probably doesn't remember it but I do remember when he told me this.

SENEY: You mean, he considered it too.

MARKS: Yeah. Many, many years ago.

SENEY: What was it about Maddy that made him a good leader, do you think, and a good senator?

MARKS: He cooperated well with the Democrats and he didn't impose us on every issue and he was not a person who had a great formal agenda as [Senator Robert] Hurtt does.

SENEY: Isn't that what really cost him the leadership?

MARKS: Right, probably.

SENEY: Because Mr. Hurtt, the current leader, is much more partisan, isn't he?

MARKS: Right.

SENEY: And that has shown up in the day-to-day workings of the Senate, hasn't it?

MARKS: Right.

SENEY: Is it less pleasant when it gets that partisan?

MARKS: I liked it when Ken Maddy was here. I liked the cooperation we had with him. He worked very closely with Lockyer on many issues of concern to all of us.

SENEY: How would you compare Lockyer to Roberti and Mills and Hugh Burns and some of the earlier ones?

MARKS: Lockyer's a very hard, extremely hard working man. Unbelievably hard working. He's very devoted to the efforts to try to build up the Democratic majority, yet he's very fair. I think he's more interested in building up the Democratic majority than Mills or Roberti were. They were less partisan.

SENEY: But that's the way the times are, isn't it?

MARKS: Right.

SENEY: And the Democrats selected him, did they not, on that basis?

MARKS: Right.

SENEY: Did you support him?

MARKS: Oh yeah.

SENEY: I can't remember if he had any opposition.

MARKS: Garamendi talked about it one time.

SENEY: But Garamendi was out of the Senate when -- I mean, when Lockyer was elected.

MARKS: Oh, Lockyer. I supported Lockyer. I don't think anybody else ran.

SENEY: Nobody else ran.

MARKS: Presley was talking about it a little bit but it never got anywhere.

SENEY: What about another Democratic leader who was majority leader -- Barry Keene.

MARKS: I got along well with Barry. Barry was the man who largely convinced me to become a Democrat.

SENEY: Oh, is that right? What arguments did he use that were persuasive?

MARKS: Well, he talked to me how important it was and how I would do better and that I would be happier representing a district that instead of being 17 percent for me, would be 17 percent against me. I think he was a very good majority leader.

SENEY: You commented earlier, when we talked before, about Hugh Burns. Let me ask you about one or two of the United States senators that I didn't ask you about. We spoke about Knowland and Kuchel and [U. S. Senator Clair] Engle and. What about [U. S. Senator] George Murphy? Did you have much dealings with him?

MARKS: I knew him slightly, very slightly.

SENEY: It's been some time and he was a one term.

MARKS: I remember him as a dancer.

SENEY: Yes, right.

MARKS: He was a movie star.

SENEY: Right. A song and dance man, I think the Democrats would call him. What about [U. S. Senator] Alan Cranston who was a long-time leading member?

MARKS: I got along well with Alan. I knew him when he was controller of California, and he opposed one of my bills very heavily. The bill to change the Department of Revenue -- take away stuff from the controller's office¹ -- which Unruh was for and Cranston was against.

SENEY: How'd that end up?

MARKS: It lost in the Senate.

SENEY: He was able to kill it in the Senate, was he?

¹ A.B. 3009 1963 Reg. Sess.

MARKS: Yeah.

SENEY: Did you work with him much on matters once he was in the U.S. Senate?

MARKS: I'd see him quite frequently when I went back to Washington. I talked to him quite frequently.

SENEY: Would he drop in here ever when he was in California?

MARKS: Occasionally he would. He occasionally comes here now.

SENEY: What's he doing now, do you know?

MARKS: The World Affairs Council?

SENEY: It's one of those, isn't it, that he's--

MARKS: Something to do with [Mikhail] Gorbachev. Some kind of institution at the Presidio.

SENEY: All right. Well, I'll find out. What about [U. S. Senator] John [V.] Tunney? Any much contact with him?

MARKS: I knew him but I didn't know him too well.

SENEY: What about Mr. [U. S. Senator S.I.] Hayakawa?

MARKS: Well, I knew him for years. I was a Republican in those days. I remember him at San Francisco State. I remember his activities there.

SENEY: Well, you would have known him there, wouldn't you, because he was a kind of prominent person in the community as a result of that position.

MARKS: Right, right.

SENEY: Much contact with him as a United States senator?

MARKS: I'd see him occasionally.

SENEY: How about [U. S. Senator] John Seymour?

MARKS: John Seymour was one of the few Republicans I really liked. John Seymour was extremely friendly to me during the time when I was in the Republican Caucus and very, very helpful and very understanding. I felt sorry to oppose him when he ran for reelection.

SENEY: For a full term to the United States Senate.

MARKS: Right.

SENEY: My understanding is he's a very, very hard working individual and quite capable.

MARKS: He's extremely able.

SENEY: You know, a lot of people wondered why Governor Wilson appointed him to the Senate. Do you have any theories on that?

MARKS: I have no idea.

SENEY: Did it surprise you?

MARKS: Yeah, a little bit surprised.

SENEY: And he only served then two years and was replaced by Senator--

MARKS: Feinstein.

SENEY: Feinstein, right. What about Senator Feinstein and over the years your relationship with Diane Feinstein?

MARKS: I worked well with her. I didn't support her when she ran for reelection as

mayor. I supported Kopp in those days.

SENEY: Why was that?

MARKS: I just felt he would be a good mayor.

SENEY: And she had not supported you in--

MARKS: I don't think that was the reason.

SENEY: That was no problem.

MARKS: It may have been. I'm not sure what the reason for it was, but I just decided to support Kopp, and I campaigned very heavily for him in the gay community in particular. He would have won if he had paid attention to the gay community. A little bit more attention.

SENEY: How do you evaluate her performance overall?

MARKS: I supported her every time she ran for the U. S. Senate. I think she's been a good U.S. senator. It's a tough job really, being a United States senator representing all the State of California with 30 million people.

SENEY: Right. What about [U.S. Senator] Barbara Boxer? Have you had much contact with her?

MARKS: I've got along well with her. I wasn't too happy with her. She supported Freitas against me.

SENEY: Oh, she did.

MARKS: Until I told her to stop and she did stop.

SENEY: Why did she do that, do you think?

MARKS: She'd worked with Freitas over the years, and I told her to stop it.

SENEY: And she did.

MARKS: She did.

SENEY: You just said, "Stop it, Barbara," and she stopped it.

MARKS: I said, "You'd better get out of this race." She got out.

SENEY: And you had enough clout obviously that she was going to listen to you on that.

MARKS: Right.

SENEY: Because at this time she was in the House of Representatives, wasn't she?

MARKS: Right.

SENEY: And she never was elected by a large margin to that position, was she?

MARKS: No.

SENEY: So she didn't want to make you angry at that point.

MARKS: Diane Feinstein helped Barbara Boxer quite heavily when she ran for--

[Begin Tape 13, Side A]

SENEY: Go ahead, Senator.

MARKS: Diane Feinstein helped Barbara Boxer very heavily when she ran against -
- Tom Campbell had sought the Republican nomination for senator. He
was defeated by -- [Bruce] Hirschenson?

SENEY: Right. Bruce Hirschenson.

MARKS: Bruce Hirschenson kept on coming up and coming up, and Diane Feinstein helped Barbara Boxer considerably. They weren't too friendly before that.

SENEY: Yeah. They don't have a lot in common really, do they, as people.

MARKS: No.

SENEY: I think they have very different styles, wouldn't you say? And outlooks and so forth?

MARKS: Yeah.

SENEY: Let me see, there were one or two other things that I want to make sure I ask you about. What do you think has been your most outstanding piece of legislation? What do you look back on and feel the best about, do you think? Pick a couple if you need to.

MARKS: The Little Hoover Commission is one. The environmental license plate was another.¹ The Department of General Services was another.² Much of the environmental legislation I've done. Housing legislation. Legislation involving disabled people. I have thousands of bills I put in.

SENEY: It must be hard to pick between them. I mean, you're really talking about categories of legislation rather than particular pieces of legislation.

MARKS: Right.

¹ S.B. 262 1970 Reg. Sess., Cal. Stats., Ch. 779.

² A.B. 2006 1963 Reg. Sess., Cal. Stats., Ch. 1786.

- SENEY: You know, this is going to be your last term.
- MARKS: That's right.
- SENEY: Not through your own choice.
- MARKS: Thirty-seven years.
- SENEY: Thirty-seven years. You've been term limited, as they're saying now.
- MARKS: It's terrible.
- SENEY: What did you think of that legislation, that initiative¹?
- MARKS: I thought the term limit proposition was ridiculous because people always can be defeated and you'll always be thrown out when they want to throw them out individually. I don't think the fact I'm here 37 years has made me less able. I think I'm a better legislator than I was when I first started, and therefore, I think that the idea of throwing people out and not being able to run again is ridiculous.
- SENEY: You know, there are those who say that this was kind of inspired by the Republicans, Pete Schabarum.
- MARKS: It probably was to defeat Willie Brown and look where Willie Brown is.²
- SENEY: Do you think it was aimed at Willie Brown?
- MARKS: It may have been.

¹ Proposition 140, November 6, 1990.

² Willie Brown was elected Mayor of San Francisco, California on November 7, 1995.

- SENEY: Democrats in any case, to kind of turn the place over, churn it a little bit, hoping maybe--
- MARKS: Maybe.
- SENEY: Did you have that feeling it was a partisan kind of thing?
- MARKS: Probably. Schabarum was a Republican.
- SENEY: You know, when you say "probably," I think maybe you might mean that a little more strongly than probably. Do you?
- MARKS: I've heard rumors that was what it is, so I really can't say. But I think it was.
- SENEY: Look back on your career on all these 37 years for us, Senator, and tell us what you've learned and what you think is important. Kind of reflect on what you've done.
- MARKS: I don't regret being here at all for 37 years. It's a long period of time but I don't regret it at all. There've been a lot of frustrations, a lot of annoyances, and a lot of unhappiness at different times. Bills that have been downgraded, or what have you. I'm very proud of the fact that I've never lost a bill on the floor of the Senate. Never. Never lost a single bill on the floor of the Senate.
- SENEY: You mean, if you could get it to the floor, you made it past.
- MARKS: Any bill that I ever got on the floor of the Senate I got passed. Every one. And I'm very proud of that.

I think that I've been a good legislator. I've worked very hard to try to represent people. I like almost everybody. Some people think I don't dislike enough, but I think I like most of the people who've been in the Legislature. I worked closely with them. One or two here and there I didn't like too much, but generally speaking, I think I've done a good job as a legislator. I have very few people that hate me. Very few who really dislike me, which I think is commendable.

SENEY: That's hard to do, isn't it?

MARKS: It is.

SENEY: What qualities about you as an individual, do you think, have made you a good legislator?

MARKS: I'm interested in things. I'm interested in people. I'm interested in the problems that people have. Individuals come to me. I see them when I'm campaigning. I campaign all the time. I went to fourteen dinners in one night. I think I got the world's record in that.

SENEY: And I understand you didn't have anything to eat.

MARKS: Nothing to eat. I think *He Went to Fourteen Dinners* should be the name of this interview.

No, I just think that I take an interest in people. I go to events of all kinds to try to take care of people and I'm concerned with people whether it's a bar mitzvah or whatever it may be. Weddings. I can perform

weddings. As an ex-judge, I can perform weddings.

SENEY: Oh, you retain that privilege, do you?

MARKS: Yes, I can do that. I still do that. I did one about a week ago.

SENEY: Oh, did you? That must be nice.

MARKS: It is nice.

SENEY: Yeah, I would think. You know, I want to go back to when I asked you about your legislation and you talked in terms of categories, because I actually have a list here of things that your staff -- your staff has been excellent, by the way, and really helpful in all this. They're very devoted to you, as you well know. I'm not sure you mentioned this when I asked you about your important legislation, and that's the Open Meeting Law, the Brown Act, and the amendments to the Brown Act.

MARKS: I think that was very important.

SENEY: Yeah. Another was the fact that you coauthored the Rumford Act, the Fair Housing Act.

MARKS: Yes. That was also very important.

SENEY: And you mentioned the Port Infrastructure Bank¹, the first bank.

MARKS: That's going to contribute a lot of money to a lot of ports in the state of

¹ S.B. 101 1993-1994 Reg. Sess., Cal. Stats., Ch. 794 (1994).

California. That bill has also been signed into law.¹ I think it's very important.

SENEY: And then the asbestos law. The first in the nation to detect asbestos.

MARKS: The first one. I did something for the asbestos union because they were concerned with asbestos fires or the damage to the people by your putting on asbestos. I put a bill in to limit the use of asbestos in the state of California.

SENEY: And that was early on before it was generally regarded as a problem.

MARKS: It was the first one in the United States.

SENEY: And another thing you mentioned is the Historic Preservation Office that you regard as a very important piece of legislation.

MARKS: Right.

SENEY: And then something you talked about earlier, and this is the housing area, the Marks-Foran bill², which enables people to buy -- first-time home buyers, it aids them in buying homes

MARKS: That's also very important. A lot of local governments used it.

SENEY: And then the Little Hoover Commission, you mentioned that too.

MARKS: I tried the Little Hoover Commission -- well no, I got that through the first

¹ S.B. 176 1977-1978 Reg. Sess., Cal. Stats., Ch. 98 (1977); S.B. 230 1977-1978 Reg. Sess., Cal. Stats., Ch. 62 (1977); S. B. 1585 1977-1978 Reg. Sess., Cal. Stats., Ch. 1001 (1978); and S. B. 1586 1977-1978 Reg. Sess., Cal. Stats., Ch. 377 (1978).

² S.B. 1495 1973 Reg. Sess., Cal. Stats., Ch. 1201.

time. The environmental license plate bill, I used to get it passed in the Assembly but it would always be killed in the Senate.

SENEY: Do you mean that the other way around? You got it passed in the Senate?

MARKS: No, I got it passed in the Assembly.

SENEY: Oh, in the Assembly.

MARKS: Then it always got killed in the Senate because the Highway Patrol was against it.

SENEY: And you finally, what? were able to get them to leave it alone and let it go through.

MARKS: Right.

SENEY: They're very powerful in these matters, aren't they?

MARKS: Right.

SENEY: Are any of your children going into politics, do you think?

MARKS: I've talked to them. I've talked to my daughter, for example, about running for the Assembly up here. She wouldn't do it. I don't know that they will. I wish they would because they all make good speeches, they're all very good speakers.

SENEY: And they've had quite an introduction to politics, thanks to working in your campaigns.

MARKS: They've ridden in parades by the carload.

SENEY: They certainly know how to run a campaign. There's no question about

that.

MARKS: They sure do. My last campaign, when Clint Reilly handled my last campaign, my son David [Marks], who was then about 22, was in charge of all the finances and he talked Clinton Reilly out of spending about \$200,000. Stopped him.

SENEY: He talked Reilly out of spending more money.

MARKS: Spending about \$200,000 more.

SENEY: Is that right? So he had a good grasp of what was required and how you manage that kind of thing.

MARKS: Right.

SENEY: And obviously your complete confidence in these matters.

MARKS: Right.

SENEY: Well, is there anything else you want to add?

MARKS: No. I've enjoyed this very much.

SENEY: Well, I have too. I've enjoyed meeting.

MARKS: How long is it going to be?

SENEY: Well, it's going to be quite long, Senator. It'll be many pages. It'll probably be in two volumes, as a matter of fact. There are a lot of important words here.

MARKS: All right. Anything more you want from me, let me know.

SENEY: Okay. Let me tell you on behalf of the Archives, I really appreciate your

taking part in the project. It's going to be a valuable addition.

MARKS: Thank you.

SENEY: Thank you very much.

NAMES LIST
State Government Oral History Program

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